Bengal Secretariat Library Copy.
To be returned when done with.

XIII/13
20

REPORTS

ON

CRIMINAL JUSTICE IN BURMA

FOR

THE YEAR 1891.

RANGOON:

PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRINTING, BURMA.

1892.

[Price,—Rs. 1-8-0.]

20

BENGAL SECRETARIAT LIBRARY

REPORTS

ON

CRIMINAL JUSTICE IN BURMA

FOR

THE YEAR 1891.

RANGOON:

PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRINTING, BURMA.

1892.

TABLE OF CONTENTS.

RESOLUTION BY THE CHIEF COMMISSIONER.

Lower Burma.

	Para.	Page.
Lower Burma cases reported	1	1
Comparison between figures in the Criminal Justice and police reports	2	2
Disposal of cases	3	ib.
Preventive law	4	3
Sentences	5	ib.
Sessions Courts	6	4
Appeal	7	5
Miscellaneous	8	ib.

Upper Burma.

General remarks	9	5
Statistics of offences reported	10	ib.
Disposal of cases	11	6
Sessions cases	12	7
Sentences	13	ib.
Appeals	14	8
Miscellaneous	15	ib.

CRIMINAL JUSTICE REPORT, LOWER BURMA, FOR 1891.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

Special Court of Lower Burma.

	Para.	Page.
Number of persons who appealed and result	1	1
Capital sentences	2	ib.
References made to Special Court	3	ib.

Court of the Recorder of Rangoon.

Cases committed	1	3
Courts from which commitments were made	2	ib.
Persons sentenced and acquitted	3	ib.
Punishments inflicted	4	ib.
Capital sentences	5	ib.
European British subjects tried during year	6	4
Persons convicted and sentenced by Recorder	7	ib.
Number of appeals for revision	8	ib.
References made to this Court	9	ib.
Abstract of criminal work	10	ib.

The Magistrates' Courts.

Bailable and non-bailable offences	11	4

I.—Reported Crime.

Fluctuation of grave crimes	12	5
Less serious crimes	13	ib.
More serious offences	14	6
Statistics of violent crime	15	ib.
Offences against property with violence	16	ib.
Offences against property without violence	17	7
Work of Magistrates	18	ib.
Punishments inflicted	19	8
Average duration of cases	20	ib.
Shipping casualties	21	9
Magistrates in Rangoon Town during year	22	ib.

PART II.

Courts under the Supervision of the Judicial Commissioner.

Submission of report	1	10
Offences reported and offences returned as true	2	ib.
Increase and decrease of true cases	3	ib.
Discrepancies in returns of offences reported less marked	4	11
Number of true cases reported during the past seven years	5	ib.
True offences reported in 1891 compared with previous year	6	12

	Para.	Page.
Offences affecting the human body and against property	7	14
Variations in form of crime	8	ib.
Offences against the person reported as true since 1884	9	ib.
Decrease in offences against property reported as true	10	ib.
Cases of robbery, dacoity, and cattle theft	11	15
Falling off in cases of theft and receiving stolen property	12	ib.
Increase of offences under special and local laws	13	ib.
II.—Original Jurisdiction.		
Strength of Magistracy in each district in Lower Burma	14	66
Stipendiary Magistrates	15	ib.
Honorary Magistrates	16	ib.
Distribution of work by different classes of Magistrates	17	17
Work done by Honorary and Special Magistrates	18	18
Enquiries and trials before Magistrates	19	19
Proportions of convictions and committals	20	ib.
Average duration of cases	21	ib.
Security for good behaviour	22	20
Security cases	23	20
Statement of different classes of punishments	24	21
Percentage of sentences of fine only	25	22
Fines imposed, realized, and admitted	26	ib.
Increase in fines imposed	27	ib.
Committals to Sessions	28	ib.
Percentage of convictions to committals	29	23
Aid of Assessors in Courts of Sessions	30	ib.
Punishments in Sessions Courts	31	ib.
Decrease in number of sentences of transportation and imprisonment	32	ib.
References to Sessions Court	33	24
Detention of witnesses in Sessions' and Magistrates' Courts	34	ib.
Appeal cases disposed of	35	ib.
Appellate work of Sessions Judges	36	25
III.—Appellate Jurisdiction.		
Appeals and their results	37	25
Percentage of sentences left untouched	38	26
Working of the Sessions Courts	39	ib.
References made to Judicial Commissioner	40	ib.
Capital sentences	41	ib.
References under section 438, Criminal Procedure Code	42	ib.
Cases called for by Judicial Commissioner on his own motion	43	28
Revision work done by Sessions Judges and Magistrates	44	29
IV.—Miscellaneous.		
Districts visited during year	45	30
Approximate cost of serving criminal processes	46	ib.
Compilation of criminal circulars	47	ib.

CRIMINAL JUSTICE REPORT, UPPER BURMA, FOR 1891.

	Para.	Page.
Submission of report	1	1
Number of offences reported to number returned as true	2	ib.
SECTION I.		
Reported Crime.		
Table of offences reported	3	4
Offences affecting the human body	4	7
SECTION II.		
Tribunals and work done by them.		
Number and distribution of Judges and Magistrates	5	11
Trials and enquiries by Magistrates	6	12
Cases in which security was demanded for good behaviour	7	13
Trials before Sessions Judges	8	14
Number of persons referred to Sessions	9	15
SECTION III.		
Punishment.		
Punishment inflicted by Sessions and Magisterial Courts	10	15
Classes of punishment	11	16
Degrees of punishment	12	17
Habitual offenders	13	18
Fines imposed realized, remitted, &c.	14	ib.
SECTION IV.		
Witnesses.		
Detention of witnesses	15	19
Duration of cases brought to trial	16	ib.
Duration of cases tried by Sessions Court	17	20

SECTION V.

Appeals.

	Para.	Page.
Number of appeals	18	20
Results of appeals	12	21
Appeals to Judicial Commissioner	20	22

SECTION VI.

Revisions and Reference.

References to Judicial Commissioner under section 374, C. P. Code	21	22
References to Judicial Commissioner under section 438, C. P. Code	22	23
Cases called for by Judicial Commissioner on his own motion	23	24
Applications for revision to Sessions Judges	24	25
Revision work done by Sessions Judges and Magistrates	25	ib.
Financial result of rules	26	26
General	27	ib.

LOWER BURMA APPENDICES.

	Page.
1 (Criminal).—Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in Lower Burma on the last day of the year 1881, with the cost of tribunals	ii.
2 (Criminal).—Statement of offences reported and persons tried, convicted, and acquitted of each class of offence in Lower Burma in the year 1891	iii.
2A (Criminal).—Statement showing the general result of the trial of European British subjects in Lower Burma in the year 1891	iv.
3 (Criminal).—Statement showing miscellaneous proceedings under the Criminal Procedure Code in Lower Burma during 1891	v.
4 (Criminal).—Statement showing the general result of criminal trials in the tribunals of various classes in Lower Burma during the year 1891	vi.
5 (Criminal).—Statement showing the punishments inflicted by the various criminal tribunals in Lower Burma for the year 1891	vii.
5A (Criminal).—	
Part I.—Statement showing whippings inflicted under sections 2 and 3, Act VI, 1864, in lieu of other punishments in the Town of Rangoon for the year 1891 ...	viii.
Part II.—Statement showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1891 ...	ib.
Part III.—Statement showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in Parts I and II in the Town of Rangoon for the year 1891	x.
Part IV.—Statement showing relative number of times whipping was awarded as compared with other punishments in Lower Burma for the year 1891 ...	ib.
6 (Criminal).—Statement showing the result of appeal and revision in criminal cases in Lower Burma in the year 1891	xi.
13 (Criminal).—Statement showing use of Jurors and Assessors in the Civil and Criminal Courts in Lower Burma for the year 1891	xii.

UPPER BURMA APPENDICES.

No. 1 (riCminal).—Statement showing the number of judiicial divisions and the number of officers exercising appellate or original criminal juridiction in Upper Burma on the last day of the year 1891, with the cost of tribunals	ii.
No. 2 (Criminal).—Statement showing the number of offences reported and of persons tried, convicted, and acquitted for each class of offence in Upper Burma for the year 1891	iii.
No. 2A (Criminal).—Statement showing the general result of the trial of European British subjects in Upper Burma for the year 1891	iv.
No. 3 (Criminal).—Statement showing miscellaneous proceedings under the Criminal Procedure Code in Upper Burma for the year 1891	v.
No. 4 (Criminal).—Statement showing the general result of criminal trials in the tribunals of various classes in Upper Burma for the year 1891	vi.
No. 5 (Criminal).—Statement showing the punishments inflicted by the various criminal tribunals in Upper Burma for the year 1891	vii.
No. 5A (Criminal).—	
Part I.—Statement showing whippings inflicted under sections 2 and 3, Act VI of 1864, and under section 7 (1) (c) of the Upper Burma Laws Act, 1886, in lieu of other punishments in Upper Burma for the year 1891	viii.
Part II.—Statement showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, and section 7 (1) (c) of the Upper Burma Laws Act, 1886, in Upper Burma for the year 1891	ix.
Part III.—Statement showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in Parts I and II in Upper Burma for the year 1891	x.
Part IV.—Statement showing relative number of times whipping was awarded as compared with other punishments in cases in which whipping might have been awarded in Upper Burma for the year 1891	ib.
No. 6 (Criminal).—Statement showing the result of appeal and revision in criminal cases in Upper Burma for the year 1891	xi.

SECRETARIAT LIBRARY
BY ORDER OF THE LIEUTENANT GOVERNOR FORWARDED

RESOLUTION

ON THE

REPORTS ON CRIMINAL JUSTICE IN BURMA

FOR

THE YEAR 1891.

Extract from the Proceedings of the Chief Commissioner, Burma, in the Judicial Department,—No. 80.-1, dated the 26th August 1892.

READ—

Reports by the Judges of the Special Court, the Recorder of Rangoon, and the Judicial Commissioners, Lower and Upper Burma, on the administration of criminal justice in Burma during the year 1891.

LOWER BURMA.

Lower Burma cases reported.

RESOLUTION.—In Lower Burma 48,049 reports of offences were made during the year, and of these 44,528 were returned as true and 38,755 were brought to trial. The proportion of cases returned as true was 93 per cent., being 2 per cent. less than in 1890. The number of cases declared false appears to be abnormally great in Rangoon and Mergui, where the proportion of true cases was only 89 per cent., and in the Pegu and Amherst districts in which it was 81 per cent. In the Salween district the percentage was 84 per cent., but in a district with so few cases percentages are useless. Speculation on the reasons for the figures in Rangoon, Mergui, Pegu, and Amherst cannot yet be fruitful, as the check register which was designed to prevent discrepancies between the police and magisterial returns and to systematize the action of District Magistrates in declaring cases to be false was only introduced from the 1st January 1892. The high percentage of cases struck out in the Amherst and Salween districts also attracted the Chief Commissioner's notice in the Resolution on the Police report. The Officiating Chief Commissioner observes that the table in paragraph 11 of the Recorder's report does not show how many complaints were rejected under section 203 of the Criminal Procedure Code, or how many cases were declared by the District Magistrate to be false. It will be convenient if this information can be shown in future reports, more especially as in spite of the large number of prosecutions for petty offences which raise the proportion of convictions, the percentage of acquittals in Rangoon was slightly higher than in the rest of Lower Burma. It would seem, therefore, that Magistrates use too sparingly the power of rejecting complaints before summoning the accused. The total of true cases in Prome exhibits a decrease from 4,807 to 4,199, but the district still heads the list of crime both in the aggregate of all offences and in offences against property, of which there were 1,631 against 2,032 in the preceding year. The decrease in cattle-thefts from 559 to 451 is satisfactory and creditable to the Deputy Commissioner, Lieutenant-Colonel Cresswell, who is reported to have been active in his efforts to suppress this form of crime. In Bassein the number of true cases

fell from 3,585 to 3,121, offences against property fell from 1,463 to 1,225, and cattle-thefts from 80 to 71. There was, however, an increase in the number of dacoities from 32 to 35. In the whole of Lower Burma, excluding Rangoon town, there were reported 782 fewer offences against property than in 1890, but owing to an extraordinary increase in the Hanthawaddy district, there were 102 more offences affecting the human body. The decrease in petty offences against property is ascribed to the disposal of such cases by ywathugyis under the Lower Burma Village Act.

Of dacoities there were in all Lower Burma 162 true reported cases against 231 in 1890, and of robberies there were 220 against 249, but there was an increase from 2,008 to 2,080 in cattle-thefts. The increase is most marked in Thayetmyo, where 347 against 132 cases were returned, but it was also considerable in the Hanthawaddy, Henzada, and Shwegyin districts. Mr. Fryer must repeat that the suppression of cattle-theft is a work which must be steadily persevered in as a primary duty owed by Government to an agricultural population.

Comparison between figures in the Criminal Justice and Police reports.

2. As considerable attention has been paid to the harmonization of the police and magisterial returns of crime it will be not uninstructive to compare the annual reports in the two departments. In the Police report 35,197 cognizable and 10,175 non-cognizable reports of crime are shown, giving a total of 45,372 reports; in the Criminal Justice report the aggregate of offences reported amounts to 48,049 cases. In the Police report 153 murders were shown; in the Criminal Justice report there are only 130. In the Police report 138 dacoities and 234 robberies are entered; in the Criminal Justice report there are 162 and 228 cases respectively. The police returned 37 cases of culpable homicide (including attempts) and 14 attempts at murder; the magistrates showed 37 cases of the former and 15 of the latter crime. The Inspector-General of Police is thankful for a small decrease of cattle-thefts from 2,227 to 2,215, while the Judicial Commissioner has to lament an increase from 2,008 to 2,080 cases. The effect on these returns of the new check register will be watched with interest.

Disposal of cases.

3. The Courts disposed of 38,837 cases against 39,088 in the preceding year In these cases and in those which were pending from the previous year 66,228 persons were accused, of whom 39,431 were convicted. The cases of 1,827 persons which were committed or referred came before two Courts each, and thus the business of the Courts is stated as concerning 68,055 persons. Subordinate stipendiary Magistrates dealt with 52,416 persons against 45,928 in 1890. The work of District Magistrates and Sessions Judges decreased by 268 and 170 persons respectively. Most of the decrease in District Magistrates' criminal work occurred in Kyaukpyu and Sandoway, where the disturbances of 1890 had provided an abnormal number of serious cases. In Prome and Thôngwa there was a considerable increase. The Officiating Chief Commissioner understands from the Judicial Commissioner's silence that District Magistrates for the most part exercised a wise discretion in apportioning cases between themselves and their subordinates. The District Magistrate of Rangoon should have tried some of the cases in which the Recorder found it unnecessary to inflict more than four years' imprisonment. The number of summary trials somewhat decreased, namely, from 4,752 to 4,192, but the

proportion of summary trials to the total of cases tried fell from 15·61 to 14·25. The work of Honorary Magistrates is favourably reported on. The number of Benches was the same as in 1890, namely, 13, and six Honorary Magistrates sat singly. The Honorary Magistrates disposed of 5,649 persons in Rangoon and of 4,630 persons in the rest of Lower Burma. In Rangoon the work of the Assistant, Junior Assistant, and Cantonment Magistrates and also that of the Honorary Magistrates increased. The average duration of cases increased in all Courts in Rangoon except the Junior Assistant Magistrate's. The Recorder considers that these delays were due to the frequent changes of officers. The post of Magistrate in Rangoon is not one in which local knowledge is particularly required. The routine of the work is simple, but a new Magistrate has to take up some cases partly heard by his predecessor, and frequent changes of officers are prejudicial to the prompt disposal of cases. The changes made have so far been unavoidable. In Bassein for the fourth and in Thôngwa for the second year in succession the percentage of convictions was abnormally low. The persistently low percentage of convictions in the Bassein district demands the serious consideration of the Commissioner of the Irrawaddy Division. He should ascertain in which Courts of that district the percentage is low, and then by a careful examination of the cases of those Courts he should satisfy himself whether the fault lies with the Magistrates for acquitting guilty men or with the Police for charging innocent men. The percentages of convictions to cases taken into Court and of persons convicted to persons arrested, which are given in the Police report, necessarily differ from the percentage of persons convicted to persons tried, which are given by the Judicial Commissioner. But in the Police returns too the Bassein and Thôngwa districts show a bad record.

Preventive law.

4. The number of cases in which security for good behaviour was demanded outside Rangoon was 2,691 against 2,736 in 1890. The Officiating Chief Commissioner is glad to notice that the method of trying these cases has improved since the judgment of the Special Court laying down what evidence was necessary was published. Mr. Fryer agrees with the Judicial Commissioner that the preventive law should be needed less and less as the country grows quieter, but he can conceive many cases in which the law is properly applied against persons never before convicted of any offence. If the instructions issued by the Chief Commissioner in 1888 and by the Judicial Commissioner in 1891 are carefully observed the proportion of convictions should be much higher in this class of cases than in any other, and Mr. Fryer regrets to observe that in Akyab, Kyaukpyu, Pegu, Bassein, Amherst, and Shwegyin the proportion of convictions fell below 70 per cent. Altogether 1,953 persons were ordered to find security and 1,167 were unable, at any rate at first, to find it and were sent to prison.

Sentences.

5. In 1891 the Criminal Courts outside Rangoon punished 29,210 persons against 27,169 in the previous year. Of this number 19,444 were punished only with fines, 774 were both fined and imprisoned, 1,470 were whipped, 214 were both whipped and imprisoned, 6,448 suffered rigorous imprisonment, and 485 were sentenced to rigorous imprisonment with solitary confinement. The only decrease, either actual or proportional, as compared with 1890, was in sentences of whipping and in sentences

of imprisonment in default of fine. Details of the latter have already been given. The former class of sentences fell from 2,133 to 1,470 and from 8 to 5 per cent. of the total. The decrease was common to almost all districts. In Rangoon Town also the number of whippings fell from 373 to 359. The Officiating Chief Commissioner is not aware to what cause this proportional decrease of a useful punishment is due, and in so far as the disuse of whipping increased short sentences of imprisonment, he views the change with regret; but from the figures given in Statement No. 5 it would seem that part at least of the decrease was due to the substitution of fine for whipping. Mr. Fryer commends the matter to the attention of the Recorder and Judicial Commissioner. The total amount of fines imposed in Lower Burma was Rs. 3,96,308, of which Rs. 3,26,407 were realized. In Rangoon the amount realized fell from 78 to 73, and in the whole lower province from 83 to 82 per cent. of the total. The Judicial Commissioner is correct in saying that the realizations in Lower Burma outside Rangoon stand higher than in any previous year, but the percentage of realization is only a very fractional improvement on that of 1890. The Officiating Chief Commissioner will be obliged if the Recorder will instruct the Magistrates subordinate to him to suit their fines to the means of the persons sentenced and to display more energy in realizing the fines when once imposed.

There were 33 capital sentences confirmed against 32 in 1890; sentences of transportation decreased from 394 to 312, but sentences of imprisonment for over two years increased from 639 to 841. It appears, however, from the decrease in the number of references by District Magistrates to Sessions Judges under section 34 of the Criminal Procedure Code, that the increase in the abovementioned sentences of imprisonment must be in those for a term of not more than four years.

Sessions Courts.

6. The number of cases committed to the Courts of Sessions was two less than in 1890, but the number of persons aggregated only 741 against 835. The percentage of convictions fell from 65·28 to the unduly low figure of 59·79. The proportion of convictions was lowest in Tenasserim and highest in Moulmein town. Mr. Fryer trusts that the Judicial Commissioner's remarks about the careless manner in which cases are prepared by some Magistrates will cause an improvement in this respect. The Additional Sessions Judge tried 247 persons in 1891 against 121 persons in about half of 1890. From the 1st January 1892 he has taken the cases of all districts in the Irrawaddy division and of three districts in the Pegu division. The average duration of cases was reduced in the Irrawaddy division from 48 to 37 days, and in Lower Burma outside Rangoon from 38 to 35 days. The total number of punishments in Sessions Courts fell from 760 to 628. To the Court of the Recorder of Rangoon sitting as a Court of Session 42 cases were committed involving 60 persons, of whom only 32 were convicted, a result which, in the Officiating Chief Commissioner's opinion, is by no means creditable to the Rangoon Magistrates and Police. Sitting as a High Court the Recorder tried two European British subjects, of whom one was acquitted and one convicted. The cases of 253 persons were referred by District Magistrates to Sessions Judges for confirmation of sentences of imprisonment for a term exceeding four years. The sentences of 236 were confirmed, giving a proportion of confirmations equal to 96 per cent., being 9 per cent. more than in the previous year.

7. The number of appeals to District Magistrates and Sessions Judges outside Rangoon increased from 538 and 2 191 to 639 and 2,559 cases respectively. Appeals to the Judicial Commissioner continued to decrease, as they have done since 1887, and numbered 503cases. The number of appeals to Sessions Judges was higher than in any previous year. The heaviest file was that of the Commissioner of Pegu, who disposed of 1,073 appeals, rejecting or dismissing 955 of them The total percentage of appeals rejected or dismissed was 77·87 against 76·17 in the previous year. In the District Magistrates' Courts of Thôngwa, Amherst, Toungoo, Tavoy, and Mergui the percentage of interference was over 50 per cent. The reasons for this high rate in Thôngwa appears worthy of investigation by the Judicial Commissioner, as it has occurred for two successive years. The Recorder disposed, in appeal and revision, of the cases of 268 persons and upheld the sentence of the Lower Court in 212 of them. The Judicial Commissioner heard 350 appeals from Sessions Judges and rejected or dismissed 266, the percentage of non-interference being 76, the same as in the preceding year. Out of 41 sentences of death passed by Sessions Judges the Judicial Commissioner confirmed 30. In 1890 only 29 out of 59 were confirmed. The Judicial Commissioner received on reference from Sessions Judges and District Magistrates 287 cases, and of his own motion called for 678 cases in revision. The sentences of 152 persons were reduced, of 506 reversed, and of nine enhanced. More revisional work was done by District Magistrates and Sessions Judges, who called for and examined 4,124 against 3,023 cases.

Appeals.

8. The Officiating Chief Commissioner refrains from commenting on the table showing receipts and charges for process-fees, as he expects to obtain more accurate information later on. Mr. Fulton succeeded Mr. W. E. Ward, C.S.I., as Judicial Commissioner in May 1891, and in the remainder of the year inspected the courts at the headquarters of six districts. He brought out in December a very useful compilation of rulings and orders on the criminal side. Mr. Fulton's administration of the department of criminal justice entitles him to the thanks of the local Government.

Miscellaneous.

Upper Burma.

9. The administration of criminal justice in Upper Burma was supervised throughout 1891 by the late Mr. G. J. S. Hodgkinson, C.S.I., Judicial Commissioner. The Chief Commissioner took occasion in January last to express his sense of the loss sustained by the province in Mr. Hodgkinson's death on the 28th December 1891.

General remarks.

10. The total number of offences reported in 1891 was 16,234 against 15,682 in 1890, and the number reported as true was 15,525 against 14,924. The percentage of true to reported cases was 95·63, being ·47 higher than in the preceding year. In the Bhamo and Katha districts the increased number of offences is attributed, no doubt correctly, to the inclusion of more territory under direct and orderly administration. Mr. Fryer concurs in the Judicial Commissioner's opinion that the increase of crime is less than might have been expected to have been produced by the scarcity. It appears indeed that taking Upper Burma as a whole 366 of the

Statistics of offences reported.

601 additional offences are classed as offences against the human body, and of these 366 offences 310 fell under the head of hurt or assault and were mostly petty cases. The number of offences against property increased, however, in the Mandalay, Bhamo, Ye-u, Sagaing, Lower and Upper Chindwin, Magwe, and Kyaukse districts. The most serious increase was in the Mandalay district, where both robberies and cattle-thefts rose in number. The causes of this and other increases have been analysed and commented on in the Chief Commissioner's Resolution on the Police Report and will not be further discussed here. It may be noted, however, that the discrepancies between the Judicial and Police returns are greater than is stated by the Judicial Commissioner. Thus the number of true cases returned by the Inspector-General of Police is 11,861 against 15,525 returned by the Judicial Commissioner, and the Inspector-General shows 91 murders, 5 attempts to murder, 7 culpable homicides, 135 dacoities, 226 robberies, and 1,112 cattle-thefts, against 79 murders, 11 attempts to murder, 8 culpable homicides, 172 dacoities, 210 robberies, and 925 cattle-thefts shown by the Judicial Commissioner. It is evident from the Judicial Commissioner's report that satisfactory efforts are being made to secure the agreement of the two sets of returns so far as possible. A perfect agreement is not to be hoped for, nor perhaps would it be worth the labour expended on it, but some nearer approximation to it in the main heads of crime, such as murders, dacoities, and cattle-thefts, is much to be desired. No discrepancies of returns can, however, obscure the gratifying continued decrease in dacoities, and Mr. Fryer is also glad to observe a decrease in cattle-thefts of 648 cases according to the magisterial statements and of 497 cases according to the police returns. The decrease is particularly satisfactory in a year of scarcity. In the Mandalay district the increase of murders, cases of grievous hurt, and cases of house-breaking and lurking-house trespass demands the attention of the local officers.

Disposal of cases.

11. The number of Stipendiary Magistrates in Upper Burma at the close of 1891 was 182, being one more than in the preceding year, but 64 of these, against 54 in 1890, exercised 1st class powers. The number of Honorary Magistrates rose from six with 3rd class powers to eleven with 2nd, and twenty with 3rd class powers. The Myingyan Bench of Honorary Magistrates was appointed at the end of the year, and did not try any cases in the year. The Honorary Magistrates at Mandalay and Pakôkku tried 299 cases. The number of Stipendiary Magistrates is large as compared with Lower Burma where only 160 are employed; but, as the Judicial Commissioner remarks, many do very little judicial work. The Courts had before them 23,224 persons against 21,956 in the previous year; of the above, 14,485 persons were convicted and the cases of 838 were committed or referred to another Court. In the Magistrates' Courts the percentage of convictions and committals was 65·72 against 65·33 in the previous year. The Magistrates tried summarily 4,084 persons, being nearly 28 per cent. of the total number of cases tried. As in 1890 the percentages of convictions vary to a great extent in different districts, ranging from 55 in Myingyan to 78 in Mandalay. Security for good behaviour was demanded from 251 persons against 452 in the previous year. Mr. Fryer is dissatisfied with the working of the preventive law in Upper Burma generally and in Mandalay in particular. The proportion of convictions, namely, 60·77 per cent., is far below what it

should be, and the Officiating Chief Commissioner agrees with Mr. Burgess in considering that the law is not adequately employed. The number of witnesses examined was 40,985, being 11,990 more than in 1890, and the average number of witnesses per case has risen from 2·3 to 3 persons. In Lower Burma in 1891 the average was 2·8 witnesses per case. The number of witnesses is obviously understated. The proportion of witnesses detained more than one day is satisfactorily low, but the average duration of cases in Magisterial Courts rose from 5 to 6 days, and some doubt is thereby cast on the witness statement. Mr. Fryer trusts that the Judicial Commissioner will bring to his notice the conduct of Magistrates who unnecessarily delay cases.

Sessions cases.

12. Sessions Judges tried 149 cases involving 293 persons, of whom they convicted 76·81 per cent. or 202 in all. Deputy Commissioners exercising the special powers conferred by section 34 of the Criminal Procedure Court referred to the Sessions the cases of 161 persons, and the sentences on 142 persons were confirmed. As the number of persons tried by Deputy Commissioners under their special powers is not separately shown it is not possible to make any comparison between the figures of 1890 and those of 1891. The proportion of convictions in the Sessions Courts has, however, improved. The Officiating Chief Commissioner takes this opportunity of saying that a tabular statement showing (*a*) the number of persons tried by the Deputy Commissioners under their special powers, (*b*) the number of such persons convicted and whose cases were referred to the Sessions Court, (*c*) the number of such persons acquitted, (*d*) the number of such persons whose sentences were confirmed by the Sessions Court, (*e*) the number of such persons whose sentences were not confirmed, (*f*) the number of such persons whose sentences were reversed or modified by the Judicial Commissioner on appeal, would be useful in both Upper and Lower Burma as recording the manner in which Deputy Commissioners performed this duty. The average duration of Session cases, namely, 56 days, is too high and should be reduced.

Sentences.

13. The number of death sentences confirmed by the Judicial Commissioner was 28 out of 32 against 60 out of 79 in the previous year. Owing to the trial of some dacoits and rebels in the Katha district for cases arising out of the border raids committed by subjects of the late Wuntho Sawbwa sentences of transportation for life increased from 63 to 73, but most of these sentences, which were imposed *pro formâ* have been remitted by the local Government. Sentences of transportation for a term fell from 57 to 46, and sentences of rigorous imprisonment for terms exceeding two years decreased from 419 to 363. The percentage of whippings without imprisonment or fine to the total of punishments inflicted fell from 5·60 to 3·87, which in Mr. Fryer's opinion is too low, and the number of sentences of ten stripes and under is too great. The number of short sentences of imprisonment has decreased, but probably a further diminution might have been effected if whipping had been judiciously employed. Fines were imposed on 10,653 persons; the average fine was about Rs. 16·5, and 79 per cent. of the amount imposed was realized. These figures are a considerable improvement on the average fine of Rs. 22, and the realization of 69 per cent., on which the Chief

Commissioner commented unfavourably last year. The average fine is, however, still high; it was only Rs. 14 in Lower Burma in 1891, and it ought to be less in Upper than in Lower Burma More compensation to complainants should undoubtedly be awarded by Magistrates. In both Upper and Lower Burma Magistrates pay too little attention to this matter.

Appeals.

14. The number of appeals increased from 846 to 866. Appeals to District Magistrates numbered only 62 and the bulk of the appellate work was done by Sessions Judges. The proportion of unsuccessful appeals in District Magistrates and Sessions Judges' Courts was 68·72 per cent. and in the Judicial Commissioner's Court it was 80·65 per cent. The Judicial Commissioner called for 965 cases in revision and received 245 cases from Subordinate Courts. These cases concerned 2,795 persons, out of whom 2,179 obtained no modification of sentence, while the sentences of 223 were reversed. The power of revision entrusted to District Magistrates appears to have been used with discretion.

Miscellaneous

15. The financial return showing the cost and receipt of the process-serving establishment shows a balance of Rs. 6,768. The Officiating Chief Commissioner awaits the proposals for organizing a combined process-serving establishment in all departments. Mr. Fryer notes with much pleasure the commendation which the Judicial Commissioner is able to bestow on the majority of Magistrates in spite of the difficulties which obstruct the smooth working of the Courts in Upper Burma.

By order of the Chief Commissioner,

F. C. GATES,
Junior Secretary.

BENGAL SECRETARIAT LIBRARY

THE CRIMINAL JUSTICE REPORT OF LOWER BURMA FOR THE YEAR 1891.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF LOWER BURMA.

CRIMINAL.

THE following table shows the number of persons who appealed during the year and the result:—

Court from which appeal preferred.	Number of persons whose appeals were pending from last year.	Number of persons who appealed during 1891.	Results.			
			Rejected.	Dismissed and sentence confirmed.	Modified.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Court of Sessions.	...	19	9	5	1	4
Court of the Recorder of Rangoon exercising the powers of a High Court.	...	1	1	...	...	...
Total ...	...	20	10	5	1	4

2. During the year four capital sentences, passed by the Recorder of Rangoon exercising the powers of a Court of Sessions, were referred to this Court, under section 66 of the Lower Burma Courts Act, XI of 1889, for confirmation. In three cases the sentences were confirmed, and in one case the sentence of death was set aside and the appellant sentenced to one year's rigorous imprisonment on the charge of voluntarily causing hurt without grave and sudden provocation.

3. Besides the above there were six references made to this Court,—one by the Recorder of Rangoon, under section 307 of the Code of Criminal

Procedure, and five by the Judicial Commissioner, Lower Burma, under section 67 of the Lower Burma Courts' Act, XI of 1889,—the particulars of which are as follows:—

(*a*) In the first case the Recorder,—disagreeing with the verdict of the majority of the jury acquitting the accused of three acts of criminal breach of trust as a public servant,—referred the case under section 307 of the Criminal Procedure Code. This Court held that the accused was guilty of the offences charged and sentenced him to one year's imprisonment for each offence.

(*b, c and d*) These references were made by the Judicial Commissioner in three revision cases which were before him, in which the accused were ordered to give security for good behaviour for one year, or in default to undergo rigorous imprisonment for that period, the charge against each being that he was an habitual thief; and the question referred in each case was whether the evidence was sufficient to establish the truth of the information. The Judicial Commissioner being of opinion, reading sections 117 and 118, Criminal Procedure Code, that unless on enquiry the truth of the information on which the Magistrate acted is established, and it is proved as a fact that the accused person is an habitual offender, no order for security can be passed. The Court held that in cases under Chapter VIII, Criminal Procedure Code, Magistrates ought, especially when no conviction is proved, to take great care to test the evidence for the prosecution; that it was not sufficient to simply record the statement of three or four persons that the individual charged has the reputation of being an habitual offender, but that the Magistrate should ascertain what the witnesses' means of knowing anything about the accused are: and as regards the cases in question the evidence did not warrant the order made.

(*e*) This reference arose out of an appeal before the Judicial Commissioner. The questions referred were (1) whether as a Court of Revision he had the power to alter the conviction and pass sentence of death; (2) whether the evidence was such as to justify the Court in finding either or both accused guilty of murder and in passing capital sentence; (3) what should be the decision on the appeal? This Court held that a High Court cannot convert a finding of acquittal into one of conviction and that the appeal should be dismissed.

(*f*) This reference arose out of a revision case before the Judicial Commissioner, and the question referred was whether evidence of previous convictions other than the kind referred to in section 75, Indian Penal Code, can be received after conviction for the purpose of justifying a heavier sentence than would otherwise have been passed. The question was answered in the affirmative.

RANGOON:
The 10th May 1892.

W. F. AGNEW,
E. M. H. FULTON,
Judges of the Special Court of Lower Burma.

Report on the administration of criminal justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1891.

COURT OF THE RECORDER OF RANGOON.

DURING the year 42 cases were committed to this Court as a Court of Sessions and 2 as a High Court, making in all 44 cases.

2. The following table shows the different Courts from which the commitments were made during the year in comparison with the previous year:—

By whom committed.	1890.			1891.		
	As a Court of Sessions.	As a High Court.	Total.	As a Court of Sessions.	As a High Court.	Total.
Junior Assistant Magistrate, Rangoon Town	15	...	15	13	...	13
Assistant Magistrate, Rangoon Town	27	2	29	29	2	31
District Magistrate, Rangoon Town...	1	3	4	...	...	...
District Magistrate, Pegu ...	...	1	1	...	...	...
Cantonment Magistrate, Mandalay...	...	1	1	...	...	...
Total ...	43	7	50	42	2	44

All these 44 cases were disposed of during the year.

3. The following table shows the number of persons sentenced and acquitted by this Court as a Court of Sessions and as a High Court:—

Convicted.	Acquitted.
33	29

4. The following table shows the different punishments inflicted by this Court as a Court of Sessions and as a High Court:—

	Persons sentenced to						Detail of punishment.								
		Transportation.		Imprisonment.			Six months and under.		Two years and under.		Seven years and under.	Above seven years.	Fine.		
	Death.	For life.	For a term.	Rigorous.	Simple.	Whipping in addition to rigorous imprisonment.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Rigorous.	Amount of fine.	Amount realized.	Acquitted or withdrawn.
													Rs.	Rs.	
As a Court of Sessions ...	4	4	2	22	...	...	2	...	6	...	12	2	500	500	28
As a High Court ...	...	...	...	1	...	...	...	...	...	..	1	...	...	...	1
Total ...	4	4	2	23	...	...	2		6	...	13	2	500	500	29

5. Of the four persons sentenced to death the sentences of three were confirmed, the sentence of death of one was set aside on appeal, and a sentence of one year's rigorous imprisonment was passed for a minor offence. There was

one reference to the Special Court by this Court under section 307 of the Criminal Procedure Code in which the Recorder disagreed with the verdict of the majority of the Jurors, who acquitted the accused. The Special Court found accused guilty, and he was sentenced to three years' rigorous imprisonment.

6. Two European British subjects were tried during the year as against 7 in 1890.

7. Of the persons convicted and sentenced by the Recorder as a Court of Sessions and as a High Court during the year, 20 appealed to the Special Court, Lower Burma; of these the appeals of 10 were rejected, 5 dismissed, 1 modified, and 4 remained pending at the close of the year.

8. The following table shows the number of persons whose cases came before this Court on appeal and for revision together with the results:—

Magistrate from whose decision appealed.	Number of persons who appealed, including those pending from previous year.	Rejected.	Confirmed.	Modified.	Enhanced.	Reversed.	New trial ordered.	Withdrawn.	Pending.
District Magistrate, Rangoon Town	18	16		2	...	.	...	...	...
Assistant Magistrate, Rangoon Town	153	90	24	12	1	20	8	1	2
Junior Assistant Magistrate, Rangoon Town	98	63	16	2	1	7	7	.	2
Cantonment Magistrate, Rangoon ...	1	1	...	...	...	...	...	...	...
District Magistrate, Shwegyin ...	1	.	1	..	...	...	...	...	...
District Magistrate, Mandalay	1		1		.		...	.	...
Total ...	272	170	42	16	2	27	10	1	4

9. Besides the above there were 20 references made to this Court as High Court: 12 by the District Magistrate, Rangoon Town, 6 by the Assistant Magistrate, 1 by the District Magistrate of Thayetmyo, and 1 by the Judge of the town of Moulmein—and there were 7 miscellaneous applications.

10. The following abstract shows the total criminal work of the Recorder's Court for the year 1891:—

Sessions trials	44
References	20
Appeals and revisions	238
Miscellaneous	7
Total	309

as against 256 of all kinds in 1890.

THE MAGISTRATES' COURTS.

11. The subjoined table shows the number of offences, bailable and non-bailable, during the year, and the number of persons brought to trial, convicted, and acquitted as compared with last year:—

Year.	Number of offences reported.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1890 ...	1,127	7,023	8,150	8,150	12,822	4,595	7,887	61	5	4	270
1891 ...	1,799	8,210	10,009	8,964	14,435	5,895	8,753	70	1	1	215
Increase ..	672	1,187	1,859	814	1,613	800	866	9	..	...	...
Decrease ..	...	.	.		.	.		...	4	3	55

There is an increase almost under every head in this statement, more especially under cases reported and brought to trial during the year under review, showing a total increase of 1,859 cases reported and 1,613 persons brought to trial as compared with the previous year.

12. The following table shows the fluctuation of grave crimes as reported for the last few years:--

Year.	With violence					Without violence.		
	Against the person.				Against property.	Theft.	All others.	Total.
	Murder, under sections 302 and 307, I. P. C.	Grievous hurt.	Hurt.	Total.				
1885 .	13	32	176	221	23	1,381	90	1,421
1886 ...	9	15	188	212	9	908	32	940
1887 ...	12	12	416	440	10	985	49	1,034
1888 ...	9	32	423	464	15	944	77	1,021
1889 ...	15	20	250	285	28	974	78	1,052
1890 ...	7	15	253	275	12	888	83	971
1891 ...	11	25	240	276	11	1,550	80	1,630

Murder has increased by 4; of these 6 cases were murder, 5 others being attempts at murder. The District Magistrate says in all the 4 cases arrests were made and the accused sent up for trial, and in the latter 5 cases conviction was obtained in 4 cases, while the accused was acquitted in another case. Grievous hurt increased from 15 to 25. They were sent up under grievous originally, but were ultimately treated as simple hurt, and out of 35 persons concerned only 2 were committed to the Court of Sessions, while the others were disposed of by the Magistrates. The number shown under hurt cases is satisfactory as compared with the previous year. The District Magistrate observes that the increase of theft cases from 888 to 1,550 appears from the District Superintendent of Police's remarks in his report to be due principally to the increase of ordinary thefts. This, he says, if considered by itself, would appear unsatisfactory, but detection has improved and better results have been shown. The increase in theft cases is ascribed by the police as being principally due to the fact that more cases were reported, and also to certain changes in the posting of the European police staff having been made with increased supervision in all the divisions.

13. The following table deals with less serious crime:—

Year.	Assault.	Insult.	Creating disturbance.	Nuisance Act V.	Breach of local rules.	Drunk and disorderly.	All others.	Total.
1885 ...	1,259	919	55	1,109	1,846	921	621	6,730
1886 .	988	361	7	2,101	2,222	1,051	741	7,471
1887 ...	619	362	.	2,172	1,649	1,498	1,116	7,416
1888 ..	637	317	4	1,841	2,038	1,328	1,077	7,242
1889 ...	752	390	10	2,471	2,600	1,700	1,459	9,382
1890	851	303	13	1,808	2,918	1,170	596	7,659
1891 ...	966	276	30	1,938	2,467	1,045	785	7,507

There is not much difference under each head in these classes of crimes, but on the whole there is a slight decrease. The decrease falling under breach of local rules, the District Magistrate says, is attributable to fewer prosecutions under Municipal Act and Port Rules during the year under review.

14. The following table deals with the more serious offences for the last few years :—

Year.	Against the person.								Against property.		Theft.		Others.		Total.	
	Murder.		Grievous hurt.		Hurt.		Total.									
	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial	Reported.	Brought to trial	Reported	Brought to trial.	Reported.	Brought to trial.	Reported	Brought to trial.	Reported.	Brought to trial.
1885	13	6	32	32	176	176	221	214	23	10	1,331	568	90	80	1,421	668
1886	9	8	15	12	188	184	212	204	9	6	908	579	32	32	940	611
1887	12	12	12	8	416	401	440	421	10	10	985	680	49	49	1,034	729
1888	9	9	32	18	423	420	464	447	15	13	940	685	77	50	1,017	735
1889	15	11	20	9	250	244	285	264	23	19	974	813	76	47	1,052	860
1890	7	6	15	15	253	215	275	236	12	11	888	794	83	74	983	879
1891	11	11	25	24	240	240	276	275	11	8	1,550	872	80	64	1,641	944

The District Magistrate observes that, taking the table as a whole, the work of detection is satisfactory.

15. The following statement shows the statistics of violent crimes in greater detail :—

Offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1890.	1891.	1890.	1891.	1890.	1891.
Murder	5	6	4	6	6	7
Attempt at murder	1	5	1	5	1	4
Culpable homicide	1	1	1	1	1	1
Grievous hurt	15	25	15	24	9	18
Hurt	199	183	152	183	102	70
Hurt with dangerous weapon ...	54	57	63	57	54	35

There were 7 murder cases committed in the year under report; of these 6 were brought to trial during the year and 1 was sent up by police in 1892. Of 183 simple hurt cases, all were sent to trial and only 70 persons convicted. This, the District Magistrate says, is due to compounding permitted after the cases came into Court.

16. The following table shows the number of offences against property with violence as compared with the previous year :—

Nature of offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1890.	1891.	1890.	1891.	1890.	1891.
Dacoity	1	1	1	1	1	7
Robbery	11	11	10	8	12	6
Extortion	7	11	5	9	3	4
Total ...	19	23.	16	18	16	17

The District Magistrate observes that 1 case of dacoity was reported during the year. The accused were arrested and sent up and were acquitted by the Sessions Court. In the District Magistrate's opinion no dacoity was committed, but the affair was only a dispute regarding some rice transactions.

Of the 11 robbery cases reported during the year only 8 cases were found on investigation to be true. Only 1 was committed to the Court of Sessions, the other 7 being disposed of by Magistrates. Extortion has increased from 7 to 11, of which 9 cases were brought to trial and none committed to Sessions. The cases of robbery, the District Magistrate says, were as usual in Rangoon Town of a petty nature, generally a simple assault in the street at night with a snatching of any loose property.

17. The following statement shows the number of offences against property without violence as compared with the previous year :—

Offence.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1890.	1891.	1890.	1891.	1890.	1891.
House-breaking with theft ...	59	40	59	40	51	39
Theft	888	1,550	794	872	596	672
Receiving stolen property ...	33	25	28	25	18	37
Total ...	980	1,615	881	937	665	748

The increase in thefts has already been explained in the preceding statement.

18. The following table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year :—

Class of tribunal.	Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial	
							In custody.	On bail or recognizance.
District Magistrate	56	...	16	36	4	...	...	...
Assistant Magistrate	3,810*	107	1,649	1,869	41	...	42	101
Junior Assistant Magistrate ...	3,604	267	1,157	2,105	25	1	25	24
Cantonment Magistrate	1,304	82	295	916	...	...	...	11
Honorary Magistrate	5,661	206	1,616	3,827	...	...	...	12
Total ...	14,435	662	4,733	8,753	70	1	67	148

The District Magistrate observes that, comparing last year's returns with this, it will be observed that the criminal judicial work of the town has increased during the year under report, but the work has been equally shared amongst the Magistrates of the Subordinate Courts. The work has been satisfactory, though fewer cases were tried.

The District Magistrate says that, as far his Court is concerned, during 1891 he has been able to take fewer cases as the whole of the income-tax work (which in itself is enough for one officer) was placed on him in addition to his executive duties, and therefore he cannot take the judicial work, which he might otherwise do, without causing neglect and oppression in the Income-tax Department; he has, however, done more revision work than has been done for some two or three years.

* One case referred to local Government as the person concerned was a lunatic.

19. The following table shows the punishments inflicted by the different Magistrates :—

Class of tribunal	Persons sentenced to							Amount of fines.		
	Solitary confinement.	Imprisonment		Fines.	Whipping.	Giving recognizance or security to keep the peace.	Giving security for good behaviour.	Imposed	Realized	Awarded as compensation.
		Simple.	Rigorous					Rs. A. P	Rs A P.	Rs A P
District Magistrate	3		24	9			.	270 0 0	180 0 0	
Assistant Magistrate .	9	34	434	1,171	178	6	13	23,238 5 0	14,941 10 9	308 0 0
Junior Assistant Magistrate ...	39	7	198	1,680	180		6	24,807 8 0	16,840 0 6	275 12 0
Cantonment Magistrate	.	5	39	671	1	1		4,971 4 0	4,685 11 0	30 12 6
Honorary Magistrate ..			2	3,825			.	12 457 6 7	11,531 6 7	2,197 2 8
Total .	51	46	722	7,556	359	7	19	65,744 7 7	48,178 12 10	2,901 11 2

20. The following table shows the detention of witnesses and the average duration of cases :—

Class of tribunal.	Number of witnesses discharged after				Average duration of cases	
	One day.	Two days.	Three days	More than three days.	For previous year	For year under review.
District Magistrate .	121	96	25	38	4 11	7 00
Assistant Magistrate ...	4,849	501	183	142	5 02	6·86
Junior Assistant Magistrate ..	1,368	2,730	685	44	6 97	4·97
Cantonment Magistrate ..	948	208	24	1	2 52	2·95
Honorary Magistrate .	3,844	188	75	1	1 38	1·68
Total ...	11,125	3,723	992	221	...	.

There has been an increase in the average of detention in all Courts except the Junior Assistant Magistrate's Court. The District Magistrate says that in his it is due to income-tax duties keeping him out of Court for a long time, and in others increase of work, and to certain individual cases being, owing to various special causes, prolonged. That the presiding officer of the Assistant Magistrate's Court has been changed no less than four times within the year, and that fact in itself is sufficient to cause the difference in the average of detention. Upon this point I wish to say that I entirely agree with the District Magistrate. It must take an officer some little ti ne to become acquainted with the routine of the work, and he has also to take up a number of cases partly gone into by his predecessor. This causes delay unavoidably. Then by the time the Magistrate has got over these difficulties, he is under the present system removed and the whole thing begins again It would be, I think, most advisable that the Magistrates should not be constantly changed. In Calcutta there are only two Magistrates assisted by Honorary Magistrates, yet there are no arrears. Here there are two Magistrates constantly sitting assisted by Honorary Magistrates, and there are also the District and Cantonment Magistrates. The town is much smaller than Calcutta and yet there are constant complaints of delays.

21. The following is the statement of shipping casualties investigated by order of the Chief Commissioner under Act V of 1883 and Act VII of 1883 and rules framed thereunder :—

No.	Subject.
5	Relative to the grounding of the British India Steam Navigation Company's steamer *Palitana*.
6	Relative to a collision between I M.S. *Dalhousie* and British ship *Cumberland*.
7	Relative to a collision between S.S. *Patiala* and a cargo boat.
11	Relative to the burning of the crown of the furnace of steam-launch *Cameo*.
17	Relative to a collision between the *Helstone* and the *Glanperis*.
27	Relative to a collision between British India Steam Navigation Company's steamer *Goa* and a cargo boat.
37	Relative to the grounding of S.S *Palamcotta*.
38	Relative to the grounding of S.S. *Colaba*.
53	Enquiry into the conduct of Mr. R. A. Proud.
14	Relative to the damage caused on the steam-launch *Hindon*.

Thus there were 10 cases this year against 5 in the previous year.

22. The following statement shows the Magistrates who have acted in Rangoon Town district during the year 1891 :—

Names.	Designation.	Remarks.
Mr. A. L. Hough ...	District Magistrate ...	All through the year.
Mr. J. M. T. Metcalfe ...	Assistant Magistrate ...	From 1st January to 27th May 1891.
Mr. J. S. D. Fraser ...	Assistant Magistrate ...	From 27th May to 20th August 1891.
Mr. J. M. T. George ...	Assistant Magistrate ...	From 20th August to 6th October 1891.
Mr. H. Hall ..	Assistant Magistrate ...	From 7th October to 31st December 1891.
Captain R. L. Milne ...	Cantonment Magistrate ...	From 1st January to 10th October 1891.
Captain Thornton	Cantonment Magistrate ...	From 29th October to the end of the year.
Maung Thet Kaing ...	Junior Assistant Magistrate ...	From 1st January to 29th November 1891.
Maung Tun Aung ...	Junior Assistant Magistrate ...	From 30th November to the end of the year.
Fourteen Honorary Magistrates ...	.....	All through the year.

RANGOON :
The 17th May 1892.

W. F. AGNEW,
Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From E. M. H. FULTON, Esq., Judicial Commissioner, Lower Burma, to the Junior Secretary to the Chief Commissioner, Burma,—No. 192-87, dated the 1st June 1892.

I HAVE the honour to submit the criminal justice returns of Lower Burma for the year 1891. The prescribed statements appended include, as in previous years, the district of Rangoon, but the tables entered in the report relate only to the districts subordinate to the Judicial Commissioner. Mr. W. E. Ward, C.S.I., made over charge to me of the office of Judicial Commissioner on the 15th May 1891, since which date I have held the appointment. From the 7th October to the 23rd December I discharged the functions of Recorder of Rangoon in addition to my other duties during the absence of Mr. Agnew.

I.—REPORTED CRIME.

2. The total number of offences reported and the total number of offences returned as true, as compared with the figures for the previous year, are shown below :—

Division.	Name of district.	Cases reported.		Cases rejected under section 203 of the Criminal Procedure Code.		Cases declared false or not entered as true.		True cases.		Percentage of true to reported cases.	
		1890	1891.	1890	1891.	1890.	1891.	1890.	1891.	1890.	1891.
ARAKAN ..	Akyab	2,518	2,487	70	86	22	52	2,426	2,349	96 34	94 45
	Kyaukpyu	1,161	992	17	17	19	13	1,145	962	96·95	96·98
	Sandoway	788	605	3	3	16	4	719	598	97 43	98 84
	Northern Arakan	23	30		...	1	1	22	29	95 65	96·67
	Total ...	4,490	4,114	90	106	58	70	4,312	3,938	96·08	95·72
PEGU .	Hanthawaddy	1,504	2,006	5	31	97	63	1,402	1,912	93·22	95·31
	Pegu ...	2,348	2,487	25	149	132	328	2,191	2,010	93 31	80·82
	Tharrawaddy	2,544	2,906	8	19	82	62*	2,454	2,826	96·46	97·25
	Prome	4,828	4,282	15	73	6	10	4,807	4,190	99 57	98 06
	Total	11,224	11,681	53	272	317	463	10,854	10,947	96·70	93·71
IRRAWADDY	Henzada	3,386	3,661	10	29	47	52	3,329	3,580	98·31	97·78
	Bassein	3,822	3,309	92	88	145	100	3,585	3,121	93·80	94·31
	Thôngwa	3,415	3,357	30	50	76	34	3,309	3,264	96 90	97·23
	Thayetmyo	1,876	2,340	23	32	110	20	1,743	2,288	92·91	97 78
	Total ...	12,499	12,667	155	208	378	206	11,966	12,253	95·73	96·73
TENASSERIM	Amherst	3,886	4,684	69	377	70	493	3,747	3,814	96 42	81·43
	Shwegyin	1,811	2,101	7	19	15	74	1,789	2,008	98·78	95 57
	Toungoo	1,379	1,444	22	12	27	48	1,330	1,384	96·45	95·84
	Tavoy	738	781	4	8	142	54	592	719	80·22	92·06
	Mergui	483	452†	37	3	18	25	428	409	88 61	89 16
	Salween	91	116	...	2	2	16	89	98	97·80	84·48
	Total ...	8,388	9,578	139	421	274	710	7,975	8,426	95·08	87·97
	GRAND TOTAL ..	36,571	38,040	437	1,007	1,027	1,449	35,107	35,564	96·00	93·49

* Including 1 case under the Fisheries Act reported in 1890 and struck off as false in 1891.
† Including 19 cases remaining under police enquiry and 2 cases withdrawn.

3. It will be observed that during the year under report the total number of offences reported as true cases was 35,564, while in 1890 the number of such cases was 35,107. In the Arakan division the true cases decreased from 4,312

to 3,938. In Pegu they rose from 10,854 to 10,047. In Irrawaddy from 11,966 to 12,253 and in Tenasserim from 7,975 to 8,426. There was thus a small decrease in one division and a slight increase in three. But on turning to the next table it will be seen that there has on the whole been a decrease in the graver forms of crime, and that the increase of 1,639 true cases under special and local laws, more than accounts for the total increase of 457 true cases of all sorts.

4. It is believed that owing to the energetic measures taken by Mr. Ward to secure agreement between the judicial and police returns of offences reported the discrepancies are less marked than in previous years, but some of the District Magistrates are still uncertain about the correctness of the figures. Since the 1st January 1892 a new check register, based on suggestions made by the late Mr. Hodgkinson, has been introduced in the District Magistrate's offices, which will, it is hoped, render impossible in future years any serious divergence between the Magisterial and Police returns of reported offences. In the districts of Akyab, Kyaukpyu, and Sandoway, which I have lately visited, the new register appeared well understood; in the Amherst district its introduction has not been equally successful.

5. The following table continued from last year's report shows the number of true cases reported respectively under the Penal Code and under special and local laws since 1885:—

Year.	Under Indian Penal Code.	Under special and local laws.	Total.
1885	23,554	13,246	36,800
1886	23,181	11,052	34,233
1887	24,400	12,688	37,088
1888	26,022	12,901	38,923
1889	26,952	12,477	39,429
1890	24,026	11,081	35,107
1891	22,844	12,720	35,564

There has therefore been a decrease of true cases of 1,182 under the Penal Code and an increase of 1,639 under special and local laws. The percentage of true to reported cases fell from 96 to 93·49.

6. True offences reported under each class in the year 1891 as compared with the previous year:—

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by, or relating to, public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offence relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			Offences under the Indian Penal Code.																			
Arakan	Akyab	1890	...	...	19	7	12	48	...	...	74	3	434	629	2	3	10	7	67	1,110	2,426	One abetment, under Chapter V.
		1891	...	...	23	10	37	57	3	5	166	...	408	613	1	1	11	6	71	933	2,349	Two abetments, under Chapter V.
	Kyaukpyu	1890	...	...	16	1	17	25	...	...	102	1	156	324	1	...	3	6	55	436	1,145	
		1891	...	...	2	2	11	24	...	...	48	...	151	336	...	...	2	12	40	334	962	
	Sandoway	1890	1	...	6	1	5	24	...	...	86	...	74	337	...	2	2	1	24	186	719	
		1891	...	...	2	2	3	10	...	...	47	...	42	234	...	4	3	2	27	239	598	
	Northern Arakan	1890	...	...	...	...	...	1	...	...	...	...	3	12	...	...	...	2	3	1	22	
		1891	...	...	...	...	1	2	...	...	1	...	4	12	1	...	...	...	2	6	29	
	Total	1890	1	...	41	9	34	98	...	...	262	4	667	1,302	3	5	15	16	149	1,705	4,312	One abetment, under Chapter V
		1891	...	...	27	14	52	93	3	5	262	...	605	1,185	2	5	16	22	149	1,505	3,938	Two abetments, under Chapter V.
Pegu	Hanthawaddy	1890	...	...	33	1	...	12	2	2	73	...	253	651	5	1	2	3	66	289	1,402	
		1891	...	...	11	6	22	17	4	..	102	2	400	673	1	...	15	3	126	530	1,912	
	Pegu	1890	...	...	17	5	19	25	3	4	2	2	342	951	1	...	12	3	43	762	2,191	
		1891	1	...	19	12	10	64	1	2	73	1	348	554	1	1	15	5	60	843	2,010	
	Tharrawaddy	1890	2	...	44	14	6	44	2	1	112	1	379	1,102	...	1	17	3	13	713	3,454	
		1891	...	...	30	12	16	73	4	2	104	4	330	1,202	2	...	12	2	23	1,010	2,895	
	Prome	1890	...	...	42	5	...	87	3	5	341	38	717	2,082		...	...	16	222	1,293	4,807	
		1891	..	...	48	10	4	68	4	2	214	1	611	1,631	3	...	4	11	104	1,484	4,199	
	Total	1890	2	...	136	25	25	168	10	12	528	41	1,691	4,736	6	2	31	25	344	3,072	10,854	
		1891	1	...	108	40	52	222	13	6	493	8	1,689	4,060	7	1	46	21	313	3,867	10,947	
Irrawaddy	Henzada	1890	...	...	27	16	5	21	3	...	66	2	375	1,117	3	.	13	4	131	1,546	3,329	
		1891	...	...	31	35	21	33	3	1	74	3	416	1,143	...	...	17	4	136	1,663	3,580	
	Bassein	1890	...	...	22	12	19	41	2	5	275	16	648	1,463	3	1	23	6	294	756	3,685	
		1891	...	...	13	7	23	28	1	...	123	13	487	1,225	2	...	12	13	184	990	3,121	

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by, or relating to, public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weight and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			OFFENCES UNDER THE INDIAN PENAL CODE.																			
IRRAWADDY—concld.	Thôngwa	1890	1	...	52	22	13	33		...	203	2	511	1,190	1	...	18	5	184	1,065	3,309	
		1891		...	20	15	13	37	2	...	141	2	573	1,216	1	...	14	7	149	1,074	3,264	
	Thayetmyo	1890	...	...	13	8	20	65	5	..	70	1	293	669	5	...	12	15	90	477	1,743	
		1891		...	12	9	9	60	1	2	55	3	281	1,165	..	...	4	3	37	647	2,288	
	Total	1890	1	...	114	58	57	160	10	5	614	21	1,827	4,448	12	1	65	30	699	3,844	11,966	
		1891	...	...	76	66	66	158	7	3	393	21	1,757	4,749	3	...	47	27	506	4,374	12,253	
TENASSERIM.	Amherst	1890	...	...	11	14	11	25	4	...	86	2	580	1,356	1	...	22	5	257	1,373	3,747	
		1891	...	...	18	14	25	34	3	1	74	1	768	914	6	...	23	7	234	1,693	3,814	
	Shwegyin	1890	..	..	16	9	11	37	1	...	138	2	345	643	7	...	17	10	140	413	1,759	
		1891	...	...	23	19	..	65	1	1	89	3	348	759	..	...	21	9	151	519	2,008	
	Toungoo	1890	1	...	4	5	7	23	3	...	57	...	202	513	1	3	8	16	70	417	1,330	
		1891	...	1	2	9	6	13	2	...	45	8	196	594	...	1	10	9	75	413	1,384	
	Tavoy	1890	...	...	4	1	12	14	...	...	17	3	168	246	1	1	2	1	40	82	592	
		1891	...	...	4	1	8	7	...	...	20	...	236	213	...	...	6	1	73	150	719	
	Mergui	1890	...	...	4	2	2	1	...	...	7	1	95	132	...	1	1	...	20	152	428	
		1891	..	...	6	...	...	3	...	...	1	2	70	113		...	2	...	22	184	403	
	Salween	1890	...	..	...	...	1	1	...	...	3	...	9	46	...	-	2	2	2	23	89	
		1891	..	...	...	...	...	...	...	...	1	...	17	53	...		..	4	8	15	98	
	Total	1890	1	...	39	31	44	101	8	...	308	8	1,399	2,936	10	5	52	34	539	2,460	7,975	
		1891	...	1	53	43	39	122	6	2	230	14	1,635	2,646	6	1	61	30	563	2,974	8,426	
	GRAND TOTAL	1890	5		330	123	160	527	28	17	1,712	74	5,584	13,422	31	13	163	105	1,731	11,081	35,107	One abetment under Chapter V.
		1891	1	1	264	163	209	595	29	16	1,378	43	5,686	12,640	18	7	170	100	1,522	12,720	35,564	Two abetments under Chapter V.
	Increase ...		..	..	1	..	40	49	68	1	...	...	...	102	...	...	...	7	...	...	1,539	457
	Decrease ...		...	4	...	66	...	...	...	...	1	334	31	...	782	13	6	...	5	209	.	...

7. The annexed tables show in a collected form the principal offences against the person and against property for the two past years :—

Offences affecting the Human Body.

Offences.	Reported cases		True cases.	
	1890.	1891.	1890.	1891.
Murder	126	128	122	124
Attempt at murder	12	10	9	10
Culpable homicide	88	87	81	85
Attempt at culpable homicide	1	1	1	1
Grievous hurt	482	433	470	419
Rape	174	200	126	118
Unnatural offences	12	18	9	10
Hurt	1,799	2,097	1,767	1,988
Criminal force and assault	2,921	2,892	2,779	2,655

Offences against Property.

Offences.	Reported cases.		True cases.	
	1890.	1891.	1890.	1891.
Dacoity	240	178	230	161
Robbery, including attempts	285	263	249	220
House-breaking and lurking house-trespass ...	872	906	887	837
Other house-trespass	548	583	517	529
Criminal trespass ...	400	496	325	404
Cattle-thefts	2,080	2,218	2,008	2,080
Other thefts and receiving stolen property ..	8,337	7,402	7,776	6,864

8. There has been a small increase of 102 offences against the person. The increase is principally under the head of hurt, but there is also a slight increase in some of the graver forms of crime.

9. The following table shows the number of offences against the person reported as true since 1884. On the whole the fluctuations have been very small :—

Offences.	1884	1885.	1886.	1887.	1888.	1889.	1890.	1891.
Murder, including attempts ...	162	150	257	203	191	205	131	154
Culpable homicide not amounting to murder, including attempts.	36	37	32	44	38	28	32	36
Grievous hurt ..	301	310	341	354	362	457	470	419
Rape and unnatural offences	109	92	115	133	113	120	135	128
Hurt	1,720	1,618	1,165	1,524	1,698	1,893	1,767	1,988
Criminal force and assault ...	2,705	2,649	2,718	2,624	2,798	2,884	2,779	2,655

10 It is satisfactory to notice that the offences against property reported as true cases have decreased by 782. There were 13,422 cases of this sort in 1890 and 12,640 in 1891. Dacoities have gone down from 230 to 161 and

robberies and attempts at robbery from 249 to 220. On the other hand, the number of cases of house-breaking and lurking house-trespass has remained stationary at 837, while there has been an increase in cases of cattle-theft from 2,008 to 2,080.

11. Since 1884 the number of cases of robbery, dacoity, and cattle-theft have been as follows :—

Offences.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.
Dacoity	120	125	2,156	1,529	904	588	280	161
Robbery	194	204	585	517	515	383	249	220
Cattle-theft ..	1,355	1,364	1,420	2,000	2,386	2,698	2,008	2,080

Whilst dacoities and robberies throughout Lower Burma have fallen to lower figures than in any year since 1885, it is noticed that the decrease has not been uniform in all districts.

In the following districts in which the three sorts of crime mentioned in the foregoing table have been most prevalent the fluctuations between 1890 and 1891 were as follows :—

District.	Dacoity.		Robbery, including attempts.		Cattle-theft.	
	1890.	1891.	1890.	1891.	1890.	1891.
Akyab	28	7	10	11	15	18
Hanthawaddy ..	16	15	16	17	153	213
Prome ...	21	7	24	23	559	451
Tharrawaddy ...	11	20	31	29	257	278
Pegu ...	21	8	33	17	221	130
Thôngwa ...	17	23	21	31	27	59
Henzada ...	11	13	12	21	103	135
Bassein ...	32	35	38	25	80	71
Thayetmyo	46	14	22	21	132	347
Amherst	2	4	3	8	248	148
Toungoo ...	11	2	9	6	114	70
Shwegyin	4	4	11	11	83	130

In the other districts, where crimes of these descriptions were very few, the figures call for no remark.

The figures for Henzada and Bassein should be considered together as there was a transfer of a township from the latter to the former which makes it impossible to compare them for each district separately with those of the previous year. There has been some increase of dacoity in Tharrawaddy, Thôngwa, Henzada, and Bassein. Prome still shows the largest number of cattle-thefts, but it is gratifying to notice that the number has decreased by 108, a result which it is thought must be at least in part attributed to the exertions of Lieutenant-Colonel Cresswell, who has been most active in his efforts to suppress this form of crime, and has tried most of the cases himself since he got charge of the district. In Thayetmyo, on the other hand, there has been a marked increase in the prevalence of cattle-theft. It is hoped that some means of checking its development may be devised. In Hanthawaddy, Thôngwa, and Shwegyin there has been a considerable increase, while there has been a great diminution in Pegu, Amherst, and Toungoo. Some Magistrates attribute such reduction of cattle-theft as has taken place to the working of the track-law, but the District Magistrate of Amherst does not think that the diminution in his district can be ascribed to it. It is evident that as yet this measure has not produced any marked effect on crime of this sort.

12. The falling off in reported cases of theft and receiving stolen property is probably partly due to a diminution in the number of these offences, but must also partly be ascribed to the fact that a certain number of petty thefts have been disposed of by ywathugyis under the Lower Burma Village Act.

13. The increase in the number of offences reported under special and local laws is generally attributed to the greater activity which has lately been displayed in the prosecution of breaches of the Opium, Excise, and Gambling Acts.

II.—ORIGINAL JURISDICTION.

14. The following table shows the effective strength of the magistracy in each district in Lower Burma at the close of the year :—

Number and Distribution of Magistrates.

Division.	Name of district.	At district headquarters.						At subdivisional headquarters other than headquarters of district.						At township headquarters other than headquarters of district or subdivision.					
		Stipendiary Magistrates.				Honorary Magistrates sitting singly and special Magistrates under section 14, Criminal Procedure Code.	Benches of Honorary Magistrates.	Stipendiary Magistrates.				Honorary Magistrates sitting singly and special Magistrates under section 14, Criminal Procedure Code.	Benches of Honorary Magistrates.	Stipendiary Magistrates.				Honorary Magistrates sitting singly and special Magistrates under section 14, Criminal Procedure Code.	Benches of Honorary Magistrates.
		First class including District Magistrates.	Second class.	Third class.	Total.			First class.	Second class.	Third class.	Total.			First class.	Second class.	Third class.	Total.		
Arakan.	Akyab ...	3	...	1	4	...	1	2	1	.	3	...	...	1	4	...	5	...	...
	Kyaukpyu ...	1	1	...	2	...	1	...	...	...	...	...	...	2	2	...	4	...	1
	Sandoway ...	2	...	...	2	...	...	...	...	...	...	...	...	...	2	...	2	...	...
	Northern Arakan ...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total ...	7	1	1	9	...	2	2	1	...	3	...	...	3	8	...	11	...	1
Pegu.	Hanthawaddy ...	2	...	...	2	...	...	1	...	...	1	...	...	2	2	...	4	...	...
	Pegu ...	3	...	...	3	...	1	1	1	...	2	...	...	1	2	1	4	...	1
	Tharrawaddy ...	2	...	1	3	...	...	...	1	...	1	...	...	4	...	2	6	...	...
	Prome ...	2	1	1	4	...	1	2	1	1	4	...	...	2	1	1	4	...	...
	Total ...	9	1	2	12	...	2	4	3	1	8	...	...	9	5	4	18	...	1
Irrawaddy.	Henzada ...	2	...	1	3	...	1	2	...	...	2	...	...	1	3	1	5	...	...
	Bassein ...	3	1	...	4	...	1	2	...	...	2	...	...	1	5	1	7	...	...
	Thôngwa ...	2	...	1	3	...	...	3	2	1	6	...	1	...	3	...	3	1	...
	Thayetmyo ...	3	1	...	4	...	...	3	1	...	4	..	...	2	2	1	5	1	...
	Total ...	10	2	2	14	...	2	10	3	1	14	...	1	4	13	3	20	2	...
Tenasserim.	Amherst ...	3	1	...	4	1	1	3	...	2	5	...	...	3	3	3	9	...	...
	Shwegyin ...	2	...	1	3	...	1	2	1	1	4	1	...	1	1	...	2	...	...
	Toungoo ...	2	1	1	4	...	1	...	...	..	...	1	...	1	...	4	5	...	...
	Tavoy ...	1	2	...	3	1	1	...	...	...	...	...	...	...	1	2	3	...	...
	Mergui ...	1	2	...	3	...	...	1	...	...	1	...	...	...	1	2	3	...	...
	Salween ...	1	...	1	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total ...	10	6	3	19	2	4	6	1	3	10	2	...	5	6	11	22	...	...
	Grand Total ...	36	10	8	54	2	10	22	8	5	35	2	1	21	32	18	71	2	2

15. Compared with 1890 the strength of the stipendiary magistracy is distributed as follows :—

Year.	At district headquarters.	At subdivisional headquarters.	At township headquarters.
1890	50	33	73
1891	54	35	71

giving a total of 160 in 1891 against 156 in 1890.

16. There were 6 Honorary Magistrates sitting singly and 13 Benches of Honorary Magistrates employed during the year under report. The corresponding numbers in 1890 were 7 and 13.

17. The following table shows the work done by the different classes of Magistrates and to what extent Magistrates used their summary powers :—

Cases disposed of by Magistrates under summary powers.

Division.	Name of district.	Total cases tried by Stipendiary and Honorary Magistrates.			Number of cases tried summarily.			Percentage of cases tried summarily to total cases tried.
		By Magistrate of district.	By other Magistrates.	Total.	By Magistrate of district	By other Magistrates.	Total.	
Arakan.	Akyab	89	2,130	2,219	11	278	289	13·02
	Kyaukpyu	53	732	785	6	62	68	8·66
	Sandoway	50	444	494	8	...	8	1·62
	Northern Arakan	21	...	21	6	...	6	28·57
	Total ...	213	3,306	3,519	31	340	371	10·54
Pegu.	Hanthawaddy	177	1,210	1,387	1	9	10	·72
	Pegu	74	1,871	1,945	3	377	380	19·54
	Tharrawaddy	72	2,252	2,324	1	165	166	7·14
	Prome	187	3,242	3,429	4	686	690	20·12
	Total ...	510	8,575	9,085	9	1,237	1,246	13·71
Irrawaddy.	Henzada	113	2,865	2,978	...	617	617	20·72
	Bassein	51	2,511	2,562	..	411	411	16·04
	Thôngwa	132	2,566	2,698	2	879	881	14 12
	Thayetmyo	97	1,589	1,686	1	1	2	·12
	Total ...	393	9,531	9,924	3	1,408	1,411	14·22
Tenasserim.	Amherst	105	3,261	3,366	...	817	817	24·27
	Shwegyin	84	1,522	1,606	16	170	186	11·58
	Toungoo	119	844	963	12	50	62	6·44
	Tavoy	111	378	489	22	10	32	6·54
	Mergui	140	260	400	63	1	64	16·00
	Salween	47	27	74	3	...	3	4·05
	Total ...	606	6,292	6,898	116	1,048	1,164	16·87
	Grand Total ...	1,722	27,704	29,426	159	4,033	4,192	14·25
	In 1890 ..	2,051	28,396	30,447	242	4,510	4,752	15·61

The figures in this table appear to call for no special remark. It is satisfactory to observe that the number of cases which District Magistrates have found it necessary to try has decreased and that more time has therefore been left to them for the disposal of their other duties.

18. Work done by Honorary Magistrates, including Benches and Special Magistrates.

Division.	Name of district.	Cases disposed of in		Persons disposed of in	
		1891.	1890.	1891.	1890.
Arakan ...	Akyab	278	675	369	746
	Kyaukpyu	29	77	42	116
	Sandoway	...	...	...	...
	Northern Arakan	...	...	...	...
	Total ...	307	752	411	862
Pegu ...	Hanthawaddy	...	...	...	...
	Pegu	365	204	404	355
	Tharrawaddy	...	...	...	...
	Prome	504	597	706	922
	Total ...	869	801	1,110	1,277
Irrawaddy ...	Henzada	620	433	942	585
	Bassein	260	293	438	513
	Thôngwa	169	126	287	271
	Thayetmyo	35	55	54	73
	Total ...	1,084	907	1,721	1,442
Tenasserim ...	Amherst	733	920	1,021	1,300
	Shwegyin	106	162	177	298
	Toungoo	72	92	174	186
	Tavoy	11	9	16	23
	Mergui	...	...	...	...
	Salween	...	...	...	...
	Total ...	922	1,183	1,388	1,807
	Grand Total ...	3,182	3,646	4,630	5,388
	Percentage to total disposed of by all Magistrates.	10·81	11·96	9·03	10·88

There has been some falling off in the number of cases tried by Honorary Magistrates, which in some districts is attributed to a diminution in the number of municipal prosecutions. The work of the Honorary Magistrates is said to be generally satisfactory.

19. The following table compares the results of inquiries and trials before Magistrates during the past two years in the several districts of the Province.

Result of Trials and Inquiries by Magistrates in each district.

Division.	District.	Persons					Percentage of convictions, committals, and references (column 4) to total tried columns 4 and 5).		Average duration of cases.	
		Under trial.	Committed, convicted or referred.	Acquitted or discharged.	Died, escaped, or transferred.	Pending.	Last year.	Previous year.	Last year.	Previous year.
1	2	3	4	5	6	7	8	9	10	11
Arakan.	Akyab ...	3,440	1,875	1,580	9	26	55·07	59·74	9	7
	Kyaukpyu ...	1,236	695	509	3	29	57·72	63·59	8	4
	Sandoway ...	731	492	236	1	2	67·58	70·00	7	5
	Northern Arakan ...	25	20	5	...	...	80·00	55·56	6	4
	Total ...	5,432	3,082	2,280	13	57	57·59	62·24	8	6
Pegu.	Hanthawaddy ...	3,481	2,116	1,128	6	231	65·23	55·80	15	10
	Pegu ...	3,955	2,351	1,423	38	143	62·29	65·01	10	6
	Tharrawaddy ...	3,833	2,876	893	9	55	76·31	68·08	7	7
	Prome ...	5,271	3,529	1,676	7	59	67·80	66·00	7	7
	Total ...	16,540	10,872	5,120	60	488	67·98	64·60	9	7
Irrawaddy.	Henzada ...	4,818	3,149	1,612	8	49	66·14	59·86	6	8
	Bassein ...	4,597	2,187	2,238	108	74	49·48	48·06	8	10
	Thôngwa ...	6,054	3,190	2,707	36	121	54·10	56·46	8	7
	Thayetmyo ...	2,953	1,833	1,058	21	41	63·40	62·58	9	8
	Total ...	18,422	10,359	7,610	168	285	57·65	55·60	8	8
Tenasserim.	Amherst ...	5,079	3,298	2,312	7	62	58·79	58·05	6	6
	Shwegyin ...	3,072	1,964	1,048	34	31	65·31	61·70	9	5
	Toungoo ...	1,784	1,045	671	1	17	60·90	61·44	7	4
	Tavoy ...	786	467	311	1	7	60·02	61·84	7	7
	Mergui ...	758	573	181	...	4	75·99	75·59	7	6
	Salween ...	100	59	40	...	1	59·59	60·71	9	5
	Total ...	12,129	7,406	4,558	43	122	61·90	60·93	7	5
	Grand Total ...	52,523	31,719	19,568	284	952	61·85	...	8	...
	In 1890 ...	50,771	29,862	19,649	193	1,067	...	60·81	...	7

20. Last year Mr. Ward drew attention in his report to the steadiness of the proportion of convictions and committals to total persons tried during the three previous years. The same result is again noticeable. In 1890 the proportion was 61·35, in 1891 it was 61·85. The highest proportion of convictions and committals were 80 in Northern Arakan and 75·99 in Mergui, and the lowest were in Thôngwa 54·09 and in Bassein 49·48.

21. The average duration of cases was highest in Hanthawaddy, where it was 15 days, and the lowest was six days in Northern Arakan, Henzada, and Amherst.

22. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Criminal Procedure Code) are shown below: —

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.		Percentage of persons convicted to total persons disposed of	
		Last year.	Previous year.	Last year.	Previous year.	Last year.	Previous year.	Last year.	Previous year.
Arakan ...	Akyab ...	97	202	35	66	62	135	68·92	67·16
	Kyaukpyu ...	111	285	38	40	64	193	62·74	82·88
	Sandoway	5	17	3	2	2	15	40·00	88·24
	Northern Arakan		...	...	...	...	...	..	...
	Total ...	213	454	76	108	128	343	62·75	76·05
Pegu ...	Hanthawaddy ...	107	83	17	16	90	67	84·11	80·72
	Pegu ...	209	169	64	20	136	133	68·00	86·08
	Tharrawaddy ...	202	178	8	12	194	166	96·04	93·25
	Prome ...	589	525	125	100	464	411	78·78	80·43
	Total ...	1,107	955	214	148	884	777	80·51	84·00
Irrawaddy...	Henzada ...	209	306	27	56	182	250	87·08	81·70
	Bassein ...	331	362	91	173	205	147	69·26	45·94
	Thôngwa ...	206	284	54	65	141	219	72·31	77·11
	Thayetmyo ...	152	93	31	27	107	60	77·54	68·96
	Total .	898	1,045	203	321	635	676	75·78	67·80
Tenasserim	Amherst ...	302	38	93	21	204	17	68·69	44·74
	Shwegyin ...	107	96	42	28	60	68	58·82	70·83
	Toungoo ...	52	127	19	29	33	97	63·46	76·98
	Tavoy ...	5	10	1	8	4	2	80·00	20·00
	Mergui ...	3	3	...	1	3	2	100·00	66·67
	Salween ...	4	8	2	5	2	3	50·00	37·50
	Total ...	473	282	157	92	306	189	66·09	67·26
	Grand Total ...	2,691	2,736	650	669	1,953	1,985	75·03	74·80

23. The number of security cases was 2,691 in 1891 against 2,736 in 1890. The percentage of persons ordered to find security to persons brought up was 75·03 compared with 74·80 in the previous year. Like my predecessor I called for many of these cases and found that many persons were ordered to give security on insufficient evidence. Three cases of a typical nature under section 110, Criminal Procedure Code, were referred to the Special Court, and resulted in the discharge of the accused. From the cases that have more recently come before me since the judgment of the Special Court was published I have observed an improvement in the method of trying these cases.

In times of disturbance the preventive sections of the Criminal Procedure Code must doubtless be largely used, but in quieter times the policy of sending to prison under these sections men who have never been convicted of any offence is doubtful. Out of 1,151 persons sent to jail under these sections between the 1st January and the 1st September 1891 it was found from returns received that 757 had never been in prison before. The difficulty can, I think, best be avoided by Magistrates refraining from taking action against persons who have never before been convicted, unless there is strong evidence that, owing to association with dacoits, house-breakers, cattle-thieves or other desperate characters, they are really dangerous to society. It must be remembered that as the condition of the country becomes more settled the police ought to rely less on these sections of the Criminal Procedure Code and more on the detection of crime actually committed.

24. As will appear from the next table out of 1,953 persons ordered to find security 1,167 were sent to jail. Doubtless in a good many cases the security was subsequently furnished.

Table showing the different classes of punishments inflicted in Magisterial Courts.

Division.	Name of district.	Total number of persons punished.	Fine without imprisonment.		Fine with imprisonment		Whipping in lieu of other punishment.		Whipping in addition to other punishment.		Rigorous imprisonment without solitary confinement.		Simple imprisonment.		Rigorous imprisonment with solitary confinement.		Imprisoned in default of furnishing security for good behaviour.
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Arakan	Akyab	1,715	1.111	64·78	143	8·34	52	3·03	20	1·17	471	27·46	15	·87	24	1·40	42
	Kyaukpyu	631	398	63·07	34	5·39	39	6·18	6	·95	109	17·27	4	·63	40	6·34	41
	Sandoway	458	294	64·19	42	9·17	31	6·77	2	·44	118	25·76	2	·44	11	2·40	2
	Northern Arakan	20	8	40·00	3	15·00	6	30·00	...	...	6	30·00	..		..		..
	Total ...	2,824	1,811	64·13	222	7·86	128	4·53	28	·99	704	24·93	21	·74	75	2·65	85
Pegu	Hanthawaddy	1,918	1,468	76·54	6	·31	32	1·66	5	·26	329	17·15	7	·36	6	·31	76
	Pegu	2,235	1 691	75·66	29	1·30	71	3·18	2	·09	358	16·02	17	·76	40	1·79	58
	Tharrawaddy	2,652	1,463	55·17	46	1·73	261	9·84	21	·79	696	26·24	9	·34	51	1·92	172
	Prome	3,165	1,845	58·29	93	2·93	196	6·19	19	·60	759	23·98	7	·22	116	3·66	242
	Total ..	9,970	6,467	64·86	174	1·75	560	5·62	47	·47	2,142	21·48	40	·40	213	2·13	548
Irrawaddy	Henzada	2,995	2,201	73·49	96	3·20	149	4·97	56	1·87	552	18·43	15	·50	25	·83	53
	Bassein	1,994	1,094	54·86	57	2·86	103	5·16	6	·30	592	29·69	23	1·15	39	1·96	143
	Thôngwa	2,945	2,216	75·25	27	·92	123	4·18	19	·64	524	17·79	13	·44	16	·54	53
	Thayetmyo	1,611	830	51·52	31	1·92	57	3·54	8	·50	523	32·46	37	2·30	72	4·47	92
	Total ...	9,545	6,341	66·43	211	2·21	432	4·53	89	·93	2,191	22·95	88	·92	152	1·59	341
Tenasserim	Amherst	2,941	2,095	71·23	51	1·73	113	3·84	14	·48	580	19·72	13	·44	30	1·02	110
	Shwegyin	1,848	1,324	71·64	34	1·84	118	6·38	23	1·24	345	18·67	10	·54	4	·21	47
	Toungoo	996	690	69·28	36	3·61	39	3·92	6	·60	224	22·49	8	·80	2	·20	33
	Tavoy	459	315	68·63	19	4·14	24	5·23	...	...	103	22·44	9	1·96	7	1·52	1
	Mergui	571	389	68·13	13	2·28	43	7·53	6	1·05	131	22·94	6	1·05	2	·35	...
	Salween	56	12	21 43	14	25·00	13	23·21	1	1·79	28	50·00	1	1·79	...	..	2
	Total ...	6,871	4,825	70·22	167	2·43	350	5·09	50	·73	1,411	20·54	47	·68	45	·65	193
	Grand Total ...	29,210	19,444	66·57	774	2·65	1,470	5·03	214	·73	6,448	22·07	196	·67	485	1·66	1,167

25. The percentage of sentences of fine only without imprisonment to persons convicted rose from 64·89 in 1890 to 66·57 in 1891; the percentage of sentences of whipping fell from 8·57 in 1890 to 5·76 in 1891; and the percentage of sentences in which orders directed the accused to be kept in solitary confinement rose from 1·25 to 1·66. There appears to be a good deal of difference of opinion as to the efficacy of solitary confinement, which seems a punishment more suitable for hardened offenders than for boys or young men on first conviction.

26. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years and the amount of compensation given to complainants is shown below:—

	1890.			1891.		
	Rs.	A.	P.	Rs.	A.	P.
Imposed	2,92,945	10	2	3,30,019	0	3
Realized	2,47,619	12	5	2,77,728	2	8
Remitted	8,841	15	7	31,827	1	1
Struck off	30,584	4	4	66,559	0	0
Compensation granted	28,489	9	7	24,968	0	6

27. There has been an increase in the amount of fines imposed and realized. The realizations stand higher for 1891 than in any previous year beginning from 1884. The figures are shown below for the last eight years.

Year.	Imposed. Rs.	Realized. Rs.
1884	3,20,691	1,98,685
1885	3,15,010	2,15,315
1886	2,87,028	2,05,400
1887	3,21,505	2,51,624
1888	3,22,206	2,59,926
1889	3,50,805	2,72,936
1890	2,92,945	2,47,619
1891	3,30,019	2,77,728

The question of prescribing a new register to check more effectually the realization of fines has been under consideration, but while believing that it must eventually be adopted, I am averse at present to increasing the number of registers until those that have been prescribed during the last two years are thoroughly understood. There is always a certain amount of difficulty when a new register is introduced and therefore time must be given to the clerks to master those with which they now have to deal. Next year it may be desirable to add a special Fine register, about which I have recently had some correspondence with the Judicial Commissioner of Upper Burma.

28. The number of cases and persons committed to the Sessions and the proportion of convictions to committals is shown below:—

Result of committals to the Sessions Courts.

Sessions division.	Cases committed during the year.	Persons committed during the year, including those pending from previous year.	Number of persons				Percentage of convictions and references (column 4) to total disposed of (columns 4 and 5).		Average duration of cases.	Remarks.
			Convicted or referred.	Acquitted.	Died, escaped, or transferred.	Pending.	Last year.	Previous year.		
1	2	3	4	5	6	7	8	9	10	11
Arakan ...	44	92	47	38	...	7	55·29	64·76	36	
Pegu ...	124	230	139*	69*	...	22	66·83	72·22	33	
Irrawaddy ...	146	311	170†	119†	2	20	58·83	61·98	37	
Tonnasserim ...	58	76	32	39	...	5	45·07	60·60	37	
Moulmein ...	20	32	21	10	...	1	67·74	57·69	15	
Total ...	387	741	409	275	2	55	59·79	...	35	
In 1890 ...	389	835	519	276	1	39	...	65·28	38	

*Fifty-six persons convicted and 38 acquitted by Additional Sessions Judge.
† Eighty-nine persons convicted and 64 acquitted by Additional Sessions Judge.

29. The percentage of convictions to committals has fallen from 65·28 in 1890 to 59·79 in 1891. It is lowest in Tenasserim, where the Sessions Judge ascribes the large number of acquittals to the fact that some of the newly appointed 1st class Magistrates committed on insufficient evidence cases which they ought to have discharged. It is highest in Moulmein, where out of 32 persons committed 21 were convicted, 10 were acquitted, and 1 remained under trial at the end of the year. The Sessions Judge of Arakan pointed out the unsatisfactory way in which cases were sometimes committed. I, too, have had occasion to remark this in some of the appeals that have come before me. Some Magistrates take a great deal of trouble, while others omit to send up evidence, without which it is very difficult to arrive at a conclusion. This latter procedure puts the Sessions Judge in a position of great difficulty, for it is highly inconvenient to adjourn cases from one Sessions to another, and at the same time impossible to record a satisfactory decision in the absence of essential witnesses. In my Circular No. 28 of 1891 I called the attention of all Magistrates to the duty of sending up all available evidence when cases were committed, and I hope that the instructions given will prove useful.

30. Trials in the Court of Sessions are conducted with the aid of Assessors in all Courts excepting that of the Judge of Moulmein. The Assessors in Lower Burma show a strong tendency to acquit not only in capital cases, but also in cases of dacoity and other offences in which it might have been expected that they would be more ready to convict. Consequently the Judge is very frequently obliged to disagree with them.

At Moulmein the trials are by jury. There out of 32 prisoners actually brought to trial 20 were convicted and 6 acquitted by the jury. In the case of 4 persons the prosecution was withdrawn by the Public Prosecutor with the leave of the Court. One prisoner was convicted on his own plea of guilty, and one remained under trial at the end of the year.

31. The following table compares the sentences passed in Sessions Courts in the past two years:—

Punishments in Sessions Courts.

Class of punishment.	1891.	1890.	Remarks.
Death	30*	29*	* Sentences confirmed by Judicial Commissioner.
Transportation for life	60	142	
Transportation for a term ...	239	225	
Rigorous imprisonment with or without fine or whipping ...	287	356	
Simple imprisonment with or without fine ...	1		
Fine only	1	2	
Whipping only	10	6	
Total ..	628	760	

32. The reduction in the number of sentences of transportation and imprisonment appears principally due to the decrease in the number of more serious offences against property. The same cause probably accounts for the reduced number of cases shown in the following table as referred by District Magistrates in the exercise of their special powers for confirmation by the Sessions Judges.

It is remarkable that out of 80 cases referred the Sessions Judge of Pegu should not have found it necessary to differ in a single instance from the District Magistrate. The percentage was the same at Moulmein, but there was only one case there. In all divisions the percentage of confirmations is pretty high, but in Arakan, Irrawaddy, and Tenasserim the Sessions Judges have not been able in all cases to agree with the District Magistrates.

33. The number of persons referred to the Sessions Courts under sections 34 and 123, Criminal Procedure Code, and the proportion of convictions to reference are shown below :—

References to Sessions Courts under sections 34 and 123, Criminal Procedure Code.

Sessions Court.	Number of cases referred during the year.	Number of persons referred.	Number of persons: Convicted.	Acquitted.	Died, escaped, or transferred.	Pending.	Percentage of convictions (column 4) to total disposed of (columns 4 and 5).
1	2	3	4	5	6	7	8
Arakan	18	20	18	2	...	...	90 00
Pegu	80	129	126	...	...	3	100·00
Irrawaddy	27	41	33	3	...	5	91·66
Tenasserim	34	61	57	4	...	...	93·44
Moulmein	1	2	2	...	...	...	100 00
Total 1891 ...	160	253	236	9	...	8	96·32
In 1890 ...	201	309	282	42	..	5	87·04

34. The next table shows the detention of witnesses in Sessions and Magistrates' Courts :—

TABLE I.—*Examination and detention of Witnesses in Sessions and Magistrates' Courts.*

Division.	Name of district.	Witnesses examined.	Witnesses discharged: First day.	Second day.	Third day.	After third day.
ARAKAN.	Akyab	7,286	7,086	1,024	178	73
	Kyaukpyu	2,751	2,509	546	78	6
	Sandoway	1,612	1,571	464	75	5
	Northern Arakan ...	56	56	4	...	...
	Sessions Judge of Arakan ...	456	342	141	40	...
	Total ...	12,111	11,514	2,179	361	84
PEGU.	Hanthawaddy	4,764	5,021	465	40	6
	Pegu	8,122	7,796	1,060	141	39
	Tharawaddy	9,637	9,948	885	161	18
	Prome	13,476	13,839	2,079	309	30
	Sessions Judge of Pegu ...	1,162	1,301	95	10	18
	Total ...	37,161	37,900	4,584	661	111
IRRAWADDY.	Henzada	7,752	8,107	957	159	3
	Bassein	11,220	10,446	1,945	389	64
	Thôngwa	9,122	9,394	1,064	121	6
	Thayetmyo	6,500	6,492	828	179	118
	Sessions Judge of Irrawaddy ...	1,465	1,161	453	76	127
	Total ...	36,059	35,600	5,247	924	318
TENASSERIM.	Amherst ...	9,222	9,185	1,516	349	137
	Shwegyin	6,918	7,096	719	133	41
	Toungoo	3,358	3,444	265	56	2
	Tavoy ...	1,627	1,782	256	28	7
	Mergui ...	1,300	1,417	55	28	13
	Salween	260	261	2	.	...
	Sessions Judge of Moulmein ...	156	92	55	14	55
	Sessions Judge of Tenasserim ...	430	512	36	5	...
	Total ...	23,271	23,789	2,904	608	255
	GRAND TOTAL ...	1,08,602	1,08,753	14,914	2,554	768
	In 1890 .	1,06,251	1,09,640	13,980	2,407	596

The table calls for no special remark. I find that efforts are generally made to detain witnesses for as short a time as possible, but it is difficult to test the correctness of the figures. The number of witnesses examined has decreased from 109,251 in 1890 to 108,602 in 1891, but Prome still heads the list with 13,476, while Bassein comes next with 11,220.

35. The number of appeal cases disposed of last year by all Appellate Courts as compared with the previous six years is shown below:—

Appellate Court.	1885.	1886.	1887.	1888.	1889.	1890.	1891.
District Magistrates	810	639	618	580	558	538	639
Sessions Judges	1,809	1,418	1,752	2,305	2,425	2,191	2,559
Judicial Commissioner	372	1,174	1,009	859	763	556	503
Total ...	2,991	3,226	3,379	3,744	3,746	3,285	3,701

36. The appellate work of Sessions Judges appears steadily to increase; the appeals to the Judicial Commissioner, on the other hand, were fewer than in any year since 1885. The District Magistrates have little appellate work. Notwithstanding the large number of convictions by second and third class Magistrates very few persons appeal. Probably in cases of fine, where the amount is not very large, they do not care to take the trouble of going to headquarters, but the fact that no appeal is made also indicates in many cases that no serious grievance is felt.

III.—APPELLATE JURISDICTION.

37. The results of appeals disposed of in all Appellate Courts are shown in the next table:—

Division.	Class of Appellate Court.	Number of appeal cases preferred within the year.	Number of appeal cases disposed of.	Number of appellants for disposal, including those pending from previous year.	Appellants: Whose appeals were rejected or dismissed.	Whose sentences were reversed.	Whose sentences were enhanced, reduced, or otherwise altered.	Otherwise disposed of.	Total of columns 5 to 8.	Pending.	Percentage of column 5 to column 9.	Average duration.
	1	2	3	4	5	6	7	8	9	10	11	12
Arakan.	District Magistrate of Akyab ...	59	58	103	70	24	8	...	102	1	68·63	8
	District Magistrate of Kyaukpyu ...	34	32	42	30	7	3	...	40	2	75·00	13
	District Magistrate of Sandoway ...	18	18	21	11	5	5	...	21	...	52·38	11
	District Magistrate of Northern Arakan ...	...	...	...	...	...	...	...	...	...	...	...
	Sessions Judge of Arakan .	285	283	294	224	23	45	...	292	2	76·71	11
	Total ...	396	391	460	335	59	61	...	455	5	73·63	10
Pegu.	District Magistrate of Hanthawaddy ...	48	48	52	38	11	3	..	52	...	73·08	18
	District Magistrate of Pegu ...	67	63	69	53	16	3	9	81	8	65·43	9
	District Magistrate of Tharrawaddy ...	90	84	98	85	3	3	...	91	2	93·41	4
	District Magistrate of Prome ...	11	11	12	7	3	2	...	12	...	58·33	..
	Sessions Judge of Pegu .	986	980	1,083	955	61	56	1	1,073	10	89·00	3
	Judicial Commissioner, Lower Burma ...	494	503	629	488*	57	44	5†	594	35	82·15	27
	Total ...	1,696	1,693	1,958	1,626	151	111	15	1,903	55	85·44	11
Irrawaddy.	District Magistrate of Henzada ...	28	27	54	38	4	21	...	53	1	52·83	9
	District Magistrate of Bassein ...	46	46	60	38	9	13	...	60	...	63·33	7
	District Magistrate of Thôngwa ...	55	53	82	26	34	17	3	80	2	32·50	5
	District Magistrate of Thayetmyo ...	40	39	62	30	5	15	1	60	2	65·00	5
	Sessions Judge of Irrawaddy ...	806	751	817	630	87	29	5	751	66	83·89	22
	Total ...	975	916	1,075	761	139	95	9	1,004	71	75·79	19
Tenasserim.	District Magistrate of Amherst ...	72	72	124	51	38	19	15	123	1	41·46	5
	District Magistrate of Shwegyin ...	53	53	65	35	2	27	1	65	..	53·85	7
	District Magistrate of Toungoo ...	21	21	35	16	12	7	...	35	...	45·71	10
	District Magistrate of Tavoy ...	6	6	7	3	1	3	...	7	...	42·86	5
	District Magistrate of Mergui ...	4	4	5	1	2	2	...	5	...	20·00	1
	District Magistrate of Salween ...	...	...	...	...	...	...	...	...	...	...	...
	Sessions Judge of Moulmein ...	38	39	40	26	9	5	...	40	..	65·00	5
	Sessions Judge of Tenasserim ...	512	506	544	397	64	52	25	538	6	73·79	10
	Total ...	706	701	820	529	128	115	41	813	7	65·07	8
	Grand Total ...	3,773	3,701	4,313	3,251	477	382	65	4,175	138	77·87	12
	In 1890 ...	3,263	3,285	4,043	2,973	460	419	51	3,903	140	76·17	15

* Including 3 persons against whom appeals by Government from orders of acquittal were rejected.
† Including 4 persons who were convicted on appeal by Government from orders of acquittal.

38. The percentage of sentences left untouched to sentences reversed or modified by Sessions Judges and District Magistrates on appeal rose from 76·17 in 1890 to 77·87 in 1891. The percentage is highest in appeals dealt with by the Sessions Judge of Pegu and lowest in those disposed of by the District Magistrate of Mergui. I am not able to assign any reason for the variety in the results of appeals in the different districts, but have little doubt that the idiosyncrasies of individual officers have a good deal to do with it as some are much less inclined to interfere than others. In District Magistrates' Courts, where the total number of appeals is small, the percentage of sentences reversed or altered is no very sure criterion either of the tendency of the Appellate Court or of the work of the Subordinate Magistrates, for a few specially bad or good cases materially affect the average result. It appears that at Mergui the District Magistrate concurred in only 20 per cent. of the appeals before him, but it seems that he had only 5 appellants, out of whom sentence on 2 was reversed, on 2 modified, and on 1 confirmed.

39. The following statement shows in what divisions there has been the largest amount of interference with the decisions of the Sessions Courts :—

Sessions Courts.	Total appellants disposed of by Judicial Commissioner.	Persons whose			Percentages of appeals and dismissed to rejected total disposed of by Judicial Commissioner.	
		Appeals were rejected or dismissed.	Sentences were reduced or altered.	Convictions were reversed.	1890.	1891.
Arakan ...	80	24	6	.	80	80
Pegu* ...	58	34	11	13	68	59
Irrawaddy*	71	62	2	7	87	87
Tenasserim	27	23	3	1	71	85
Judge of Moulmein .	12	12	...	...	100	100
Additional Sessions Judge ..	152	111	17	24	72	73
Total 1891 ...	350	266	39	45		76
Total 1890 ...	718	546	72	100	76	...

* Excluding appeals from the Additional Sessions Judge.

The percentage of appeals rejected or dismissed by the Judicial Commissioner's Court to appeals before it was 76 in 1891 as in the previous year. In both years the percentage of cases in which it was found necessary to interfere was highest among appeals coming from the Sessions Judge of Pegu, whose percentage of convictions was higher than that of other Sessions Judges excepting the Judge of the town of Moulmein.

40. The following table shows the references made to the Judicial Commissioner under section 374, Criminal Procedure Code :—

Reference by whom made.	Sentences				
	Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Sessions Judge of Arakan ...	4	3	1	...	..
Sessions Judge of Pegu ...	4	4	...	.	..
Sessions Judge of Irrawaddy	14	12	2	...	...
Additional Sessions Judge of Pegu and Irrawaddy	13	7	3	3	...
Sessions Judge of Tenasserim ...	4	2	1	1	...
Sessions Judge of Moulmein ...	2	2	.	...	...
Total ...	41	30	7	4	...

41. Forty-one sentences of death were referred to the Judicial Commissioner for confirmation during 1891, of which 30 were confirmed. In 1890 59 death sentences were referred for confirmation, of which 29 were confirmed.

42. References to the Judicial Commissioner under section 438, Criminal Procedure Code, are shown in the following table:—

Division.	Reference by whom made.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	District Magistrate of Akyab	18	19	3	...	6	9	...	...	One proceeding quashed.
	District Magistrate of Kyaukpyu.	3	4	...	...	...	2	1	1	One proceeding quashed.
	District Magistrate of Sandoway.	7	12	2	2	...	7	1	1	
	District Magistrate of Northern Arakan.	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan ...	32	40	6	...	8	17	5	8	One proceeding quashed.
	Total ...	55	75	11	2	14	35	7	10	Three proceedings quashed.
Pegu.	District Magistrate of Hanthawaddy.	4	6	...	...	6	...	...	...	
	District Magistrate of Pegu...	8	14	4	...	...	10	...	...	
	District Magistrate of Tharrawaddy.	15	36	11	...	4	16	3	3	Two new trials.
	District Magistrate of Prome	17	20	8	.	3	9	...	..	
	Sessions Judge of Pegu ...	20	120	9	1	14	28	...	...	Sixty-six proceedings quashed and two new trials.
	Total ...	64	196	32	1	27	63	3	3	Sixty-six proceedings quashed and four new trials.
Irrawaddy.	District Magistrate of Henzada	13	23	5	...	4	6	1	1	Seven new trials.
	District Magistrate of Bassein	14	37	26	...	2	8	1	4	Two proceedings quashed.
	District Magistrate of Thôngwa	16	32	6	...	1	23	...	...	Two proceedings quashed.
	District Magistrate of Thayetmyo.	11	26	6	...	4	15	...	...	One new trial.
	Sessions Judge of Irrawaddy	8	17	7	1	4	5	...	...	
	Total ...	62	135	50	1	15	52	2	5	Four proceedings quashed and eight new trials.
Tenasserim.	District Magistrate of Amherst	50	148	36	...	4	104	...	...	Two proceedings quashed and two new trials.
	District Magistrate of Shwegyin.	5	5	2	...	1	...	1	1	One new trial.
	District Magistrate of Toungoo	6	18	5	...	1	11	1	1	
	District Magistrate of Tavoy	7	11	3	..	4	8	...	...	One new trial.
	District Magistrate of Mergui	...	...	...	...	...	...	...	...	
	District Magistrate of Salween	...	...	...	...	...	...	...	...	
	Sessions Judge of Moulmein		...	...	...	...	...	..	...	
	Sessions Judge of Tenasserim	38	69	13	1	18	23	1	3	Eleven proceedings quashed.
	Total ...	106	251	59	1	28	141	3	5	Thirteen proceedings quashed and four new trials.
	Grand Total ...	287	657	152	5	84	291	15	23	Eighty-six proceedings quashed and 16 new trials.
	In 1890 ...	168	375	89	8	30	131	9	15	Eighty-six proceedings quashed and 16 new trials.

43. Cases called for by the Judicial Commissioner on his own motion under section 435, Criminal Procedure Code, are shown in the following table:—

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	Akyab	38	51	41	...	1	4	8	8	
	Kyaukpyu	14	26	19	...	1	1	4	5	
	Sandoway	17	28	13	...	3	2	3	10	
	Northern Arakan	...	...	..	...	...	...	...	...	
	Sessions Judge of Arakan ...	1	2	2	...	...	...	...	...	
	Total ...	70	107	75	...	5	7	10	18	
Pegu.	Hanthawaddy	45	76	45	...	14	15	1	1	
	Pegu	75	300	225	...	5	64	7	9	
	Tharrawaddy	64	109	64	...	15	23	7	7	
	Promo	33	97	57	...	4	27	9	9	
	Sessions Judge of Pegu ...	...	...	...	...	...	...	...	...	
	Total ...	267	588	391		38	129	24	26	
Irrawaddy.	Henzada	60	160	121	1	8	17	6	11	
	Bassein	85	97	64	1	4	24	2	2	
	Thôngwa	30	105	84	...	2	15	1	1	
	Thayetmyo	55	101	75	2	5	7	2	3	
	Sessions Judge of Irrawaddy ...	1	1	1	..	...	...	...	...	
	Total ...	231	464	345	4	19	63	11	17	
Tenasserim.	Amherst	49	55	33	...	3	11	7	8	
	Shwegyin	31	49	38	...	3	3	2	4	
	Toungoo	20	29	23	...	...	1	5	5	
	Tavoy	1	1	1	...	...	...	...	...	
	Mergui	4	6	5	...	...	...	1	1	
	Salween ...	1	1	...	...	...	1	...	...	
	Sessions Judge of Moulmein ...	1	2	2	...	...	...	...	...	
	Sessions Judge of Tenasserim...	3	3	...	...	...	...	3	3	
	Total ...	110	146	102	...	6	16	18	21	
	Grand Total ...	678	1,305	913	4	68	215	63	82	
	In 1890 ...	334	484	353	1	31	22	53	66	
	In 1889 ...	819	1,255	726	5	249	213	53	57	

A large number of cases were dealt with by the Judicial Commissioner's Court on revision, of which 287 were referred by Sessions Judges or District Magistrates and 678 were called for on examination of the monthly returns. The figures given in the last statement approximate more nearly to those of 1889 than to those of 1890.

The classes of cases in which I have found it necessary to reverse orders on revision have been principally as follows :—

(1) Where on insufficient evidence persons have been sent to jail on failure to give security for good behaviour.

(2) Where persons have been improperly convicted under section 294, Indian Penal Code.

(3) Where persons have been improperly convicted under section 285, Indian Penal Code. A very common sort of case is where a person's house is burnt down without any assignable reason and he is then prosecuted on the assumption that he must have been guilty of negligent conduct and thereby have occasioned the fire. In such cases the idea appears often to predominate that some one ought to be punished, and in the absence of evidence it is thought that the blame must fall on the owner of the house. In such cases it is observed that as a sort of compromise a very light fine is generally imposed.

(4) Where the provisions of the Excise Act have not been understood; but these have not been very numerous.

(5) In opium cases it has lately been found necessary to reduce a good many fines which seemed exorbitant in proportion to the trifling quantity of opium found. There was the greatest variety of opinion amongst Magistrates as to what the fine should be in such cases, but recent decisions of this Court will probably produce more uniformity of sentences.

(6) The fines imposed by many Magistrates for the use of bad language under section 294, Indian Penal Code, appeared much too heavy and have generally been reduced to Rs. 5.

(7) In some cases under the Arms Act prosecutions for unlawful possession of arms were instituted without the sanction of the District Magistrate. This irregularity has now been corrected. It was also found that persons were being illegally convicted of carrying das, which, under the Government of India's Notification No. 518, were exempted from the provisions of the Arms Act. In consequence of this Court's decision in Criminal Revision No. 631 of 1891, a new notification has lately been issued under which only such das as are ordinarily used for domestic or agricultural purposes have been exempted.

44. The following table shows the revision work done by the Sessions Judges and Magistrates otherwise than on application for revision :—

Cases called for in revision by Sessions Judges and District Magistrates.

Revising Court.	Number of cases called for and examined under section 435, Criminal Procedure Code.		Number of cases in which committal was ordered under section 436, Criminal Procedure Code.	Number of cases in which further enquiry was ordered under section 437, Criminal Procedure Code.	Number of cases referred to the High Court under section 438, or to the District Magistrate under section 435, Criminal Procedure Code.	Pending cases.
	Last year.	Previous year.				
Sessions	928	580	...	3	81	56
District Magistrates ...	3,196	2,443	...	28	323	127
Total ...	4,124	3,023	...	31	404	183

There has been a considerable increase in the number of cases revised by Sessions Judges and District Magistrates in the year under report. It is satisfactory to observe that the important duty of supervision of the work of subordinate Courts has not been overlooked, for it must always be remembered that many of the

junior Magistrates have had very little judicial training and that therefore it is the more necessary to inspect their proceedings.

IV.—MISCELLANEOUS.

45. During the year under report the following districts were visited by Mr. Ward and myself, respectively: Akyab, Kyaukpyu, Tavoy, and Mergui, Moulmein, Henzada, Bassein, Prome, Thayetmyo, Thôngwa, Tharrawaddy, Pegu, and Toungoo.

On the occasion of these visits all the Courts at headquarters were inspected, but the Judicial Commissioner could not spare much time for visiting Subdivisional and Township Courts. Amongst the latter, however, I visited Paungdè, Ilmawbi, Gyobingauk, and Insein, and should probably have inspected a larger number if I had not been detained at headquarters during the last two months of the year, when I was in charge of the Recorder's duties.

46. The following table shows the approximate cost of serving criminal processes, but as the same establishment now serves criminal, civil, and revenue processes the matter will be more satisfactorily dealt with in the special report which, it is hoped, will shortly be submitted. In this table one-third of the cost of processes is charged to criminal processes.

The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of bailiffs and process-servers are shown in the following table:—

Receipts and Charges on account of issuing and serving Criminal Processes.

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges. Salaries of process-serving establishment.	Charges. Contingencies, &c.
			Rs. A. P.	Rs. A. P.	Rs. A. P.
Arakan.	Akyab	2,422	1,401 8 0	2,363 15 6	409 13 4
	Kyaukpyu	616	534 10 0	357 0 0	21 4 0
	Sandoway	537	161 0 0	339 8 0	1 8 0
	Northern Arakan ...	12	.	...	...
	Total ...	3,587	2,097 2 0	3,060 7 6	432 9 4
Pegu.	Hanthawaddy	2,868	1,266 12 0	876 1 11	202 4 3
	Pegu	3,812	1,519 8 0	1,366 9 0	37 2 0
	Tharrawaddy	3,786	1,040 8 0	1,227 0 0	108 2 0
	Prome	4,258	1,592 2 0	2,180 0 0	13 12 8
	Total ...	14,224	5,418 14 0	5,649 10 11	356 4 11
Irrawaddy.	Henzada	6,581	2,150 12 0	2,366 0 0	17 12 0
	Bassein	3,858	2,431 8 0	2,806 14 1	87 10 0
	Thôngwa	2,826	2,823 12 0	2,410 3 4	2,566 9 4
	Thayetmyo	1,179	744 4 0	937 8 0	...
	Total ...	14,444	8,150 4 0	8,520 9 5	2,671 15 4
Tenasserim.	Amherst	6,475	3,106 5 0	3,312 0 0	1,049 12 7
	Shwegyin	2,529	1,230 12 0	936 0 0	23 1 0
	Toungoo	2,822	989 12 0	1,398 0 0	...
	Tavoy	1,248	512 4 0	458 5 4	...
	Mergui	389	413 4 0	337 8 0	...
	Salween	109	62 0 0	10 8 0	..
	Total ...	13,567	6,314 5 0	6,452 5 4	1,072 13 7
	Grand Total ...	45,822	21,980 9 0	23,683 1 2	4,533 11 2

47. The compilation of Criminal Circulars prepared by Mr. Ward was issued in December and has been found of great use. A similar edition of Civil Circulars is now in the press, but is delayed pending the settlement of some registers which require modification.

E. M. H. FULTON,

Judicial Commissioner, Lower Burma.

BENGAL SECRETARIAT LIBRARY.

THE CRIMINAL JUSTICE REPORT OF UPPER BURMA FOR THE YEAR 1891.

From G. D. BURGESS, Esq., C.S.I., Judicial Commissioner, Upper Burma, to the Secretary to the Chief Commissioner, Burma,—No. 1076-87—157, dated the 20th May 1892.

I HAVE the honour to submit the Criminal Justice Returns for Upper Burma for the year 1891.

The report has been delayed by difficulties in reconciling various discrepancies in the figures furnished by District Officers.

The system of the administration of criminal justice was the same as that described in last year's report.

2. The total number of offences reported and the total number of offences returned as true compared with the figures for the previous year are shown below.

SECTION I.—REPORTED CRIME.

Division.	Name of district.	Cases reported.		Cases rejected under section 273, Criminal Procedure Code.		Cases declared false or not entered as true.		True cases.		Percentage of true to reported cases.	
		1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.
NORTHERN.	Mandalay	4,973	4,774	74	...	92	74	4,807	4,700	96·66	98·45
	Bhamo	355	447	25	3	...	11	330	433	92·95	96·87
	Katha	362	527	...	6	129	34	233	487	64·36	92·41
	Ruby Mines	301	297	...	...	8	27	293	270	97·34	90·91
	Shwebo	799	862	..	...	36	102	763	760	95·49	88·17
	Total ...	6,790	6,907	99	9	265	250	6,426	6,650	94·63	96·28
CENTRAL.	Ye-u	415	377	...	1	101	63	314	313	75·66	83·02
	Sagaing	639	794	...	...	6	3	633	791	99·06	99·62
	Lower Chindwin	552	550	...	...	64	12	488	538	88·40	97·82
	Upper Chindwin	368	470	...	5	13	27	355	438	96·46	93·19
	Total ...	1,974	2,191	...	6	184	105	1,790	2,080	90·67	94·93
SOUTHERN.	Myingyan	960	1,037	8	20	30	68	912	949	95·00	91·51
	Pakôkku	872	963	...	...	10	72	862	891	98·85	92·52
	Minbu	1,007	958	4	7	24	88	979	863	97·21	90·06
	Magwe	1,188	1,310	...	...	70	41	1,118	1,269	94·10	96·87
	Total ...	4,017	4,268	12	27	134	269	3,871	3,972	96·30	93·06
EASTERN.	Kyaukse	439	575	...	...	...	8	439	567	100·00	98·61
	Meiktila	925	843	3	4	27	9	895	830	96·75	98·46
	Yamèthin	846	782	3	5	18	9	825	768	97·51	98·21
	Pyinmana	691	658	2	3	11	7	678	658	98·11	98·50
	Total ...	2,901	2,858	8	12	56	33	2,837	2,823	97·79	98·43
	GRAND TOTAL ...	15,682	16,234	119	54	639	657	14,924	15,525	95·16	95·63

The total number of cases reported is 552 more in 1891 than in 1890, while the number of cases returned as true is 601 more. The percentage of true case to the total of cases reported is a very little higher than in the previous year

namely, 95·63. The proportion is nearly the same as in Lower Burma in 1890. In the same year the proportion in the North-Western Provinces was 75.

The increase in the number of offences is inconsiderable. It was apprehended that the drought and consequent failure of crops which occurred over a large extent of the country last season would have the effect of causing a good deal of crime, but little or nothing of the sort has taken place. In the Eastern division, which suffered especially, crime has actually diminished. Perhaps a reason for this may be that the population has been reduced by emigration to Lower Burma and that the pressure has forced the criminally disposed as well as others to labour for a living and has drawn them off to the railway and other works. The Deputy Commissioner, Meiktila, writes that the people themselves have been surprised at the comparative freedom from crime and the general quietness, and they say that in Burmese times the district would have been overrun by dacoits, and villagers whose crops had failed would boldly have attacked villages in which there were stores of grain. In Bhamo the number of offences reported has risen from 355 to 447, and in Katha from 362 to 527. In these instances the increase may be ascribed to the inclusion of more territory under regular administration. In Shwebo there is an increase of 63 offences; in Sagaing of 155; in Upper Chindwin of 102; in Myingyan of 87; in Pakôkku of 91; in Magwe of 122; and in Kyauksè of 136.

The police figures of crime have been obtained from the Inspector-General for comparison with those entered in the judicial statements and are found to differ considerably. The total number of reported cases, including those committed in the previous year but brought under enquiry in 1891 and those pending from the previous year, is according to the police returns 14,578, or 1,656 fewer than the 16,234 cases that appear in the judicial statements. Obviously, therefore, all the crime that has come to the cognizance of the Courts has not been brought to the knowledge of the police. But the police figures must be far from complete as the statement received shows only one case under the Excise Act and 26 under the Municipal Regulation. It is a pity that the police and judicial statistics of crime have not yet been agreed. Many of the Magistrates have personally taken much pains in the matter. The District Magistrate, Pakôkku, thus explains his failure to reconcile the figures:

"The entries in the police register of cases have been more carefully made this year than last, but owing to the fact that till recently the Police Statement A was submitted monthly and not quarterly, it has been impossible to reconcile the figures with the Judicial returns. There is an excess in police statement of 95 reported cases and an excess of 50 cases returned as true. This is probably due to the fact that the Magistrates did not enter in all reported cases in their quarterly returns. I am now entering each case in the check register myself, and hope that next year it may be possible to explain the differences.....

"The check register was not compared with the returns of the first, second, and third quarters of the year."

The District Magistrate, Minbu, reports—

"Columns 3 and 4 of Statement 2 do not agree with the four quarters nor with the police return, which was forwarded before it was checked with mine, as the District Superintendent of Police did not wish his returns to be late, I have had my clerks and those of the District Superintendent of Police on to this statement, and the result is what I send in. I believe it to be very fairly accurate."

The District Magistrate, Katha, states that much time has been spent in trying to reconcile the figures, there being discrepancies probably due to errors of classification between his own and those of the police, and that his figures should be accepted as correct.

The District Magistrate, Magwe, found that Subordinate Magistrates as a rule omitted to enter in the old Register XII cases under section 174, Indian Penal Code, and other sections which they had taken up of their own motion.

Doubtless the experience of last year and the introduction of new rules for registering crime will serve to render the statistics of the present year more correct and to make those compiled by the Police and Magistracy agree.

A great deal of trouble was taken by the late Judicial Commissioner in endeavouring to bring the police and judicial statistics of crime into accord

During the year a conference was held at Mandalay between him, the Judicial Commissioner of Lower Burma, and the Inspector-General of Police. The outcome was that certain alterations were made for the improvement of the record of offences committed which have been introduced since the beginning of the current year. The District Magistrate's general register of crime is now kept as a police register, and books are maintained on the judicial side to supplement it with an account of all offences that are not reported direct to the police.

If this system is properly carried out, the record of crime should be complete. The arrangement was not clearly understood everywhere to begin with, but will no doubt soon be in good working order.

If the figures in the table are to be relied on they show that in many districts no use whatever is made of the provisions of section 203, Code of Criminal Procedure, while in the remainder they are but little employed except in Myingyan. The percentage of cases struck off under section 203 to the total number of offences reported is ·33; in Lower Burma in 1890 it was 1·2, and in Oudh 23. Probably the number of unfounded complaints in Upper Burma is not great, but it is useful for Magistrates to remember that a careful enquiry into a complaint at the beginning effects real economy of time and of labour and tends to save many people the trouble and inconvenience of having to come to Court unnecessarily. Act IV of 1891 has placed an additional weapon in their hands for the discouragement of false charges. The highest percentage of cases struck off as false is in Ye-u, 17. The explanation of this seems to be that cases of cattle straying are entered as cattle thefts and are not struck out when the animals are recovered, and the same practice apparently prevails in Shwebo.

In Shwebo the percentage is 12; in Minbu and Ruby Mines 9; everywhere else it is less than 9.

In Katha there has been a decrease of 95 false cases, although the number of offences reported has increased considerably, and this would indicate some change of principle of classification which should have been explained.

It may be doubted whether a uniform system has yet been adopted in all districts in dealing with false cases. In Kyauksè 87 cases were originally left out of the return because they were undetected, an error that has now been corrected. In the Lower Chindwin there were 64 false cases in 1890 and only 12 in 1891. The District Magistrate explains this difference as follows:—

"Up to 10th October 1890 (the date of receipt of Judicial Commissioner of Lower Burma's Circular No. 58 of 1885) the police recorded all cases reported, but arrived at the number of true cases by deducting the number of cases ordered by the Magistrate to be struck off from the total number of cases reported. From the 10th October to the end of the year if a reported case was ordered 'not to be entered,' the original entry was cancelled. The figures for 1890 therefore show a number of cases which under the new rules would not appear in the returns at all. The 64 cases in column 4 were chiefly reported cattle thefts in which the animals had strayed and were afterwards recovered."

In Magwe cases marked "not to be entered" have been rigorously excluded and appear in no statement. The rule has been so rigidly applied that cases which should have appeared in the judicial returns have been struck out. In one instance 22 persons charged under section 304A have thus been left out of the statements. They should of course have been shown with a note, as has recently been laid down by the local Government on a reference from Lower Burma.

3. The following table shows true offences reported under each class in the year 1891 as compared with the previous year :—

Division.	Name of district.	Year	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by, or relating to, public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI	Offences relating to coin and Government stamps, Chapter XII	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX	Defamation, Chapter XXI	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			Offences under the Indian Penal Code.																			
Northern.	Mandalay	1890	3	..	8	8	11	26	1	...	81	3	277	983	3	5	14	19	67	3,306	4,707
		1891	...	...	13	9	12	20	1	...	110	5	317	1,028	2	10	7	11	30	3,125	4,700
	Bhamo	1890	1	..	11	6	9	7	..	..	11	...	55	109	...	...	2	1	5	110	330
		1891	...	..	8		4	13	..	...	18	1	80	125	...	...	4	3	7	170	433
	Katha	1890	15		2	3	3	12	..	...	6	...	36	98	...	...	2	1	2	53	233
		1891	1	...	5		3	9	1	...	14	1	52	300	...	...	3	...	7	91	487
	Ruby Mines	1890	...	...	..	1	3	6	..	...	9	...	11	145	...	..	..	...	3	113	298
		1891	2	.	...	3	1	7	..	...	6	1	33	92	..	1	2	1	3	118	270
	Shwebo	1890	..	...	8	1	14	8	..	2	18	...	120	449	1	...	6	4	10	152	763
		1891	.		6	...	5	16	3	..	32	...	121	408	1	...	3	1	6	158	760
	Total	1890	19	...	29	19	40	59	1	2	125	3	499	1,784	4	5	24	18	90	3,705	6,426
		1891	3		32	12	25	65	5	...	180	8	603	1,953	3	11	19	16	53	3,662	6,660
Central.	Ye-u	1890	..	...	...	6	6	9	..	1	9	1	26	57	...	...	1	.	5	193	314
		1891	1			5	3	12	1	1	28	2	47	89	...	...	2	2	15	105	313
	Sagaing	1890	..	...	7	11	10	21	1	...	12	1	84	238	1	2	8	6	30	201	633
		1891	2	.	6	17	8	15	2	...	27	10	110	386	3	...	2	7	26	170	791
	Lower Chindwin ...	1890	...	...	1	8	6	8	...	1	30	4	61	231	4	...	2	1	16	115	488
		1891	...	..	1	13	4	14	2	...	14	...	81	272	1	...	2	2	27	105	538
	Upper Chindwin ..	1890	...	...	6	4	19	18	.	...	12	...	47	141	...	1	3	1	16	87	355
		1891	...		1	8	7	17	...	...	16	...	65	201	...	...	3	8	8	104	438
	Total	1890			14	29	41	56	1	2	63	6	218	667	5	3	14	8	67	596	1,790
		1891	3	...	8	43	22	58	5	1	85	12	303	948	4	...	9	13	76	484	2,080

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by, or relating to, public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			OFFENCES UNDER THE INDIAN PENAL CODE.																			
SOUTHERN.	Myingyan	1890	1	...	3	5	2	22	...	...	32	2	93	508	4	1	4	5	16	124	912	
		1891	...	...	9	2	8	29	1	1	25	1	125	528	...	...	7	4	20	188	945	
	Pakôkku	1890	2	...	9	7	16	20	...	...	31	...	160	420	1	2	1	3	22	168	862	
		1891	3	...	8	9	17	29	2	...	56	1	163	345	1	...	4	4	9	240	891	
	Minbu	1890	2	...	7	9	21	16	...	1	42	1	161	455	...	...	5	8	39	212	979	
		1891	...	...	6	4	7	16	1	...	34	...	152	386	2	...	5	2	33	215	863	
	Magwe	1890	...	...	2	18	29	53	...	...	14	1	141	674	3	...	1	1	18	163	1,118	
		1891	...	...	4	12	40	28	5	2	29	...	270	687	3	...	10	2	17	160	1,209	
	Total	1890	5	...	21	39	68	111	...	1	119	4	555	2,147	8	3	11	17	95	667	3,871	
		1891	3	...	27	27	72	102	9	3	145	2	710	1,946	6	...	26	12	79	808	3,972	
EASTERN.	Kyaukse	1890	...	...	3	7	3	22	...	2	19	...	64	148	2	...	4	...	13	152	439	
		1891	...	...	6	7	6	14	...	...	43	4	102	225	2	...	4	5	19	130	567	
	Meiktila	1890	...	...	4	12	13	23	1	1	13	1	139	558	...	...	8	2	18	107	895	
		1891	...	...	1	2	9	14	2	2	6	...	130	445	...	...	6	...	33	180	830	
	Yamèthin	1890	1	...	7	7	12	9	1	...	29	1	99	464	1	...	2	1	14	177	825	
		1891	...	...	3	4	14	13	1	1	21	...	96	356	2	...	5	3	27	222	768	
	Pyinmana	1890	1	...	3	5	7	21	2	1	23	1	87	351	...	...	2	3	20	151	678	
		1891	2	...	2	2	6	11	1	...	37	...	83	310	3	2	4	3	17	175	658	
	Total	1890	2	...	17	31	35	75	4	4	84	3	389	1,521	3	...	11	6	65	587	2,837	
		1891	2	...	12	15	35	52	4	3	107	4	411	1,336	7	2	19	11	96	707	2,823	
	GRAND TOTAL	1890	26	...	81	118	184	30	6	9	391	16	1,661	6,119	20	11	60	49	317	5,555	14,924	
		1891	11	...	79	97	154	277	23	7	517	26	2,027	6,183	20	13	73	58	304	5,656	15,525	
	Increase		...	...	...	...	...	.	17	...	126	10	366	64	.	2	13	9	...	.101	601	
	Decrease		...	15	...	2	21	30	24	...	2	...	...	...	...	..	...	...	13	...	...	

As might be expected, the number of offences against the State has decreased, the number being 11 only as against 26 in 1890. Most of the cases are probably old ones. Even in Katha, where the Wuntho rebellion broke out, there was only a single prosecution for a State offence, the offender being one of the insurgents who attacked the military police post of Mohnyin.

The largest increase is in offences affecting the human body, 366 cases. It is common to all districts, excepting those of the Eastern division (excluding Kyauksè) and Minbu. In Magwe the increase is as much as 129. The increase is probably owing to the people coming more freely to Court to make complaints.

Offences relating to property have increased by 64 only.

In Katha such offences have trebled, the number for 1890 being 98 and for 1891 300. But the area of Katha has been enormously increased by the addition of Wuntho, and the rebellion and the influx of labourers on the railway have naturally brought crime with them.

There is an increase of 148 cases in Sagaing and of 77 cases in Kyauksè.

In other districts this species of crime has either diminished, or has increased only in a small measure. Offences relating to coin and stamps have increased by 17. The stamp law must be enforced now with greater strictness. There is said to have been a gang of coiners in Magwe who employed old women as utterers, so that if they were caught they might be compassionately treated because of their age and infirmity. There has been an increase of 101 cases under local and special laws. In Mandalay such cases are fewer by 180 and in Ye-u by 88 than the year before.

4. The annexed tables show, district by district, the principal offences against the person and against property for the past two years.

Offences affecting the human body.

Offence.	No. of head of crime.	Mandalay.		Bhamo.		Katha.		Ruby Mines.		Shwebo.		Ye-u.		Sagaing.		Lower Chindwin.		Upper Chindwin.		Myingyan.		Pakokku.		Minbu.		Magwe.		Kyaukse.		Meiktila.		Yamethin.		Pyinmana.		Total.		
		1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.	
		TRUE CASES.																																				
Murder	20	5	12	5	5	1	5	1	1	4	3	3	2	5	3	...	5	...	2	4	1	3	14	9	7	5	4	...	2	4	5	3	4	8	4	60	79	+ 19
Attempt at murder	21	...	1	...	1	...	...	...	...	...	...	...	...	1	...	...	1	...	1	...	1	3	2	...	1	...	...	...	1	1	1	1	...	...	1	6	11	+ 5
Culpable homicide	22	2	1	1	1	...	...	...	...	...	...	...	1		1	...	...	...	...	...	...	3	2	1	2	3	...	2	...	1	...	1	...	...	...	14	8	− 6
Attempt at culpable homicide	24	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.	...	...	.	1		− 1
Grievous hurt	32	4	10	1	6	...	3	1	5	1	5	3	3	6	7	2	5	1	3	10	12	3	3	5	6	5	4	4	2	8	4	11	2	14	10	79	90	+ 11
Rape	42	3	3	2	...	7	...	...	...	3	...	1	3	2	10	2	...	1	4	6	8	6	4	7	6	4	4	4	5	6	6	4	2	5	3	63	58	− 5
Unnatural offences	43	...	...	...	1	...	...	...	...	2	1	.	...	1	1	1	...	...	1	...	1	2	...	2	...	...	...	...	...	...	...	...	2	...	...	8	7	− 1
Hurt	33	38	95	10	18	7	15	2	15	37	54	6	10	19	18	23	28	3	19	16	42	44	37	55	58	54	143	18	28	26	14	31	24	17	23	406	641	+ 235
Criminal force and assault	36	209	172	32	36	18	20	6	10	58	54	8	19	44	55	23	32	37	29	45	55	77	84	71	66	63	104	30	49	85	65	37	51	40	37	883	958	+ 75

Murders have increased by 19, and attempts by 5, while there are 6 fewer cases of culpable homicide. Pakôkku is responsible for 11 more murders than in the previous year, Mandalay for 7, and Katha for 4. In Pakôkku five of the murders were committed in Chin raids, of which there were six. The murders in the Upper Chindwin all took place in previous years. There were 11 more cases of grievous hurt than in 1890, and the Northern division has chiefly contributed to the increase, which is as much as 22 in that part of the province. In Bhamo, Katha, and the Ruby Mines such cases are to be expected among the wild and truculent population, but it is not apparent why crime of this kind should become more prevalent in Mandalay and Shwebo. Cases of hurt have risen by 235 and of assault by 75, which probably means rather a freer recourse to the Courts than an increase of crime. The District Magistrate, Magwe, attributes the increase in his district to this cause. In Bhamo the Kachins now venture to take advantage of the Courts, whereas in the first six months after the District Magistrate went there they made not a single complaint.

Some of the rapes are put down to the outlaw Nga Pan Za, who was in the habit of seizing women as he lurked about the borders of Sagaing, Kyauksè, and Myingyan.

Offences against Property.

Offence.	No. of head of crime.	True cases. Mandalay. 1890.	Mandalay. 1891.	Bhamo 1890.	Bhamo 1891	Katha. 1890.	Katha. 1891.	Ruby Mines. 1890.	Ruby Mines. 1891.	Shwebo. 1890.	Shwebo. 1891.	Ye-u. 1890.	Ye-u. 1891.	Sagaing. 1890.	Sagaing. 1891.	Lower Chindwin 1890	Lower Chindwin 1891.	Upper Chindwin. 1890.	Upper Chindwin. 1891.	Myingyan. 1890	Myingyan. 1891.	Pakokku. 1890.	Pakokku. 1891.	Minbu. 1890.	Minbu. 1891.	Magwe 1890.	Magwe 1891.	Kyaukse. 1890	Kyaukse. 1891	Meiktila. 1890	Meiktila. 1891.	Yamethin. 1890.	Yamethin. 1891.	Pyinmana 1890	Pyinmana 1891.	Total. 1890.	Total. 1891.	
Dacoity	52—55	15	8	7	19	25	54	27	11	52	4	8	6	6	4	1	...	27	18	22	8	17	8	16	6	19	6	9	6	9	3	11	5	40	6	311	172	—139
Robbery, including attempts	49—51	16	37	2	...	3	10	16	9	2	9	1	2	8	17	1	...	6	2	30	22	14	6	28	24	21	18	8	15	15	20	17	12	9	7	197	210	+13
House-breaking and lurking house-trespass.	66—68	23	75	6	5	5	1	6	15	1	8	...	1	6	20	17	12	4	9	3	12	5	10	42	63	11	15	7	5	5	23	15	12	9	7	165	293	+128
Other house-trespass ...	64 & 65	29	32	3	2	...	5	1	5	4	15	3	5	7	14	9	8	3	3	3	24	9	12	...	6	6	12	5	12	17	7	6	5	5	4	110	171	+61
Criminal trespass ..	63	11	22	4	1	3	...	4	...	5	5	1	6	21	31	3	12	5	3	40	45	44	52	18	9	77	70	3	1	27	39	41	33	10	25	311	354	+43
Cattle-theft	44	115	120	10	15	10	61	11	1	26	69	15	8	22	39	57	43	11	15	158	88	125	97	95	53	478	102	37	27	219	83	152	75	37	29	1,573	925	—648
Other theft and receiving stolen property	45—58	646	625	60	57	38	141	72	40	82	275	13	39	114	190	117	164	57	133	274	261	133	75	167	157	179	378	46	112	181	207	174	170	192	195	2,545	3,219	+674

The most serious form of violent crime against property dacoity continues to show a gratifying decrease, having fallen by 139 cases, or not far from half, in 1891.

The only districts which exhibit an increase are Bhamo from 7 to 19 = 12, and Katha 25 to 54 = 29. This increase in Bhamo simply means that the area under police administration is being extended so as to bring Kachin raids into the ordinary reports, while in Katha it is due to the Wuntho rebellion and its consequences.

In all other districts there has been a decrease, in most substantial and in several remarkable. Thus :—

In Mandalay dacoities have fallen from 15 to 8 or by 7.
In Ruby Mines dacoities have fallen from 27 to 11 or by 16.
In Shwebo dacoities have fallen from 52 to 4 or by 48.
In Upper Chindwin dacoities have fallen from 27 to 18 or by 9.
In Myingyan dacoities have fallen from 22 to 8 or by 14.
In Pakôkku dacoities have fallen from 17 to 8 or by 9.
In Minbu dacoities have fallen from 16 to 6 or by 10.
In Magwe dacoities have fallen from 19 to 6 or by 13.
In Pyinmana dacoities have fallen from 40 to 6 or by 34.

In the Lower Chindwin and Sagaing there were no dacoities. Of the four shown against Sagaing two are old cases and two ought to have been struck out.

In the Upper Chindwin five were old dacoities and the other 13 were committed in Legayaing by the gang of Bo Lè of Wuntho. In 1890 there were 230 dacoities in Lower Burma. In 1891 there were 172 in Upper Burma. The gradual disposal of the professional gangs is having its effects. On the other hand, robberies have slightly increased by 13. The largest increase is in Mandalay 21, while Sagaing gives 9, Katha, Shwebo, and Kyauksè 7 each, and Meiktila 5.

There has been a decrease of robbery in the Ruby Mines, Lower Chindwin, Myingyan, Pakôkku, Minbu, Magwe, Yamèthin, Bhamo, Upper Chindwin and Pyinmana. The scarcity has in all likelihood stimulated this form of crime. Organized gangs are not spoken of except that of Pan Za, who surrendered in August. Housebreaking has increased by 128 cases, which is perhaps partly due to improved classification of offences. Here again Mandalay is responsible for the largest increase, 52 cases. There can be no doubt that Mandalay town is the resort of a considerable body of the criminal classes. In Minbu there were 21 more cases of housebreaking, in Meiktila 18, in Sagaing 14, in Myingyan and the Ruby Mines 9 each, and in Shwebo 7. Last year's report mentioned the probability of cattle-theft becoming one of the principal crimes of the future. In 1890 there were 71 more cattle-thefts than in 1889; in 1891 there were 648 less than in 1890. There has been an increase of 51 cases in Katha, owing chiefly to the Wuntho rebellion, of 43 in Shwebo, of 17 in Sagaing, of 5 each in Mandalay and Bhamo and of 4 in the Upper Chindwin district. In every other district there has been a decrease, which amounts to as much as 376 cases in Magwe, 136 in Meiktila, 77 in Yamèthin, 65 in Myingyan, 42 in Minbu, and 28 in Pakôkku.

These satisfactory results are to be credited to the breaking up of gangs of professional cattle-lifters, the steady working of the track law, the rigorous punishment of cattle-thieves, and the proper fencing and protection of villages. The energy with which cattle-theft has been attacked by various Police Officers will no doubt be noticed in the police report. The District Magistrate, Magwe, thinks that this kind of theft would have still further diminished, but that hunger drove the people at times to kill and eat cattle.

The scarcity probably prevented many officers from giving as much time as they otherwise would have done to seeing the provisions of the track law thoroughly carried out. In Mandalay and probably elsewhere, delay occurred in completing inquiries and imposing fines which thereby lost much of their efficacy. The District Magistrate, Magwe, mentions the wonderfully long distances to which tracks can be carried by experienced men. As a check on the disposal of stolen cattle some rules have been made for keeping cattle a certain time before they are slaughtered at Municipal slaughter-houses.

Ordinary theft has risen by 674 cases. The districts in which the increase is most marked are Katha 38 to 141, Shwebo 82 to 275, Sagaing 114 to 190, Lower Chindwin 117 to 164, Upper Chindwin 57 to 133, Magwe 179 to 378, and Kyauksè

46 to 112. It is difficult to say how much of the increase is to be put down to increase of crime and how much to freer reporting to the police. It is generally considered that both causes have been at work, this description of crime being promoted by the scarcity and the consequent movement of the people about the country. In Pakôkku there was a decrease of 58 cases of theft.

In Sagaing the police detected a gang of thieves organized in Mandalay, who went about the country provided with clasp-knives, wherewith at night they scraped the gold off pagodas into soaped cloths, which they then wound round their waists. In another case Shans were hired in Mandalay to commit house-breaking on the Chindwin.

SECTION II.—TRIBUNALS AND WORK DONE BY THEM.

5. The following table shows the number of Sessions and Additional Sessions Judges, and the effective strength of the magistracy at the close of the year:—

Number and distribution of Judges and Magistrates.

Division.	Name of district.	Judges.		Stipendiary Magistrates.				Special Magistrates.				Honorary Magistrates including Benches.			
		Sessions Judges.	Additional Sessions Judges.	First class, including Deputy Commissioners.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.
Northern.	Mandalay ...	...	...	5	5	6	16	...	...	...	...	...	...	18	18
	Bhamo ...	...	...	5	4	1	10	...	...	...	...	...	...	...	...
	Katha ...	...	...	6	4	7	17	...	...	...	...	...	...	...	...
	Ruby Mines ...	...	...	3	1	...	4	...	...	...	...	...	...	...	...
	Shwebo ...	...	...	5	1	5	11	...	...	...	...	...	...	...	...
	Total ...	...	...	24	15	19	58	...	...	...	...	...	...	18	18
Central.	Ye-u ...	...	...	3	2	3	8	1	...	...	1	...	...	...	...
	Sagaing ...	...	...	4	5	2	11	...	...	...	...	...	...	...	...
	Lower Chindwin ...	...	...	4	5	1	10	...	...	...	...	...	...	...	...
	Upper Chindwin ...	...	...	2	5	4	11	1	...	...	1	...	...	...	...
	Total ...	...	...	13	17	10	40	2	...	...	2	...	...	...	...
Southern.	Myingyan ...	...	...	3	8	1	12	1	...	7	8	...	...	7	7
	Pakôkku ...	...	...	4	7	4	15	...	...	...	...	...	11	...	11
	Minbu ...	...	...	3	8	1	12	...	...	...	...	...	...	...	...
	Magwe ...	...	...	6	5	1	12	...	...	...	...	...	...	...	...
	Total ...	...	...	16	28	7	51	1	...	7	8	...	11	7	18
Eastern.	Kyauksè ...	...	...	3	3	3	9	...	...	...	...	...	...	...	...
	Meiktila ...	...	...	3	6	1	10	...	...	1	1	...	...	...	...
	Yamèthin ...	...	...	2	5	...	7	1	1	...	2	...	...	...	...
	Pyinmana ...	...	...	3	4	..	7	1	...	...	1	...	...	...	...
	Total ...	...	...	11	18	4	33	2	1	1	4	...	...	...	...
	Grand Total ...	...	...	64	78	40	182	5	1	8	14	...	11	20	31

The staff of regular Magistrates, 182, was only 1 more than in the previous year, but there were 45 Special and Honorary Magistrates as against 20. Benches of Honorary Magistrates were constituted at Mandalay, Myingyan, and Pakôkku.

The Bench at Mandalay began work on the 1st October and tried 212 cases.

The Bench at Pakôkku tried 87 cases and 143 persons. At Myingyan the Honorary Magistrates were appointed at the end of the year and did not try any cases.

The strength of the Magistracy is more nominal than real in some places, Bhamo and Katha for instance, where several Magistrates do little or no real judicial work.

6. The following table shows the result of trials and enquiries by Magistrates in each district:—

Division.	Name of district.	Persons under trial.	Convicted or committed or referred.	Acquitted or discharged.	Died, escaped, transferred, or remaining.	Percentage of convictions references and committals to total tried. 1890.	1891.
Northern.	Mandalay	6,461	5,054	1,303	104	69·69	78·22
	Bhamo	748	541	196	6	64·96	72·81
	Katha	582	419	152	11	67·76	71·99
	Ruby Mines	349	261	81	7	70·98	74·78
	Shwebo	969	529	424	16	70·98	54·59
	Total ...	9,104	6,804	2,156	144	69·48	74·63
Central.	Ye-u	621	412	207	2	76·23	66·34
	Sagaing	1,467	897	534	36	64·89	61·14
	Lower Chindwin	739	486	244	9	69·60	65·76
	Upper Chindwin	646	422	207	17	71·76	65·32
	Total ...	3,473	2,217	1,192	64	69·83	63·84
Southern.	Myingyan	1,426	787	606	33	57·48	55·19
	Pakôkku	1,508	888	589	31	64·29	58·88
	Minbu	1,289	758	503	28	61·24	58·81
	Magwe	1,660	974	624	62	57·19	58·67
	Total ...	5,883	3,407	2,322	154	59·66	57·91
Eastern.	Kyauksè	894	603	255	36	71·15	67·45
	Meiktila	1,233	695	521	17	52·75	56·37
	Yamèthin	1,217	694	463	60	60·01	57·03
	Pyinmana	933	522	392	19	63·64	55·95
	Total ...	4,277	2,514	1,631	132	61·40	58·78
	Grand Total ...	22,787	14,942	7,301	494	65·33	65·72

Cases disposed of by Magistrates under summary powers:—

Division.	Name of district.	Total number of trials. Cases.	Persons.	Number of summary trials. Cases.	Persons.	Percentage of cases tried summarily to total cases tried.
Northern.	Mandalay	4,405	6,357	3,070	3,314	69·69
	Bhamo	429	737	24	44	5·59
	Katha	297	567	2	4	0·67
	Ruby Mines	204	289	34	53	16·67
	Shwebo	460	953	...	...	...
	Total ...	5,795	8,903	3,130	3,415	54·01
Central.	Ye-u	311	619	4	4	1·29
	Sagaing	649	1,481	1	2	0·15
	Lower Chindwin	418	730	46	106	11·00
	Upper Chindwin	353	599	20	30	5·67
	Total ...	1,731	3,379	71	142	4·10
Southern.	Myingyan	827	1,393	8	4	0·36
	Pakôkku	776	1,477	89	144	11·47
	Minbu	718	1,261	5	5	0·70
	Magwe	823	1,598	152	264	18·47
	Total ...	3,144	5,729	249	417	7·92
Eastern.	Kyauksè	476	863	1	1	0·21
	Meiktila	671	1,216	23	42	3·43
	Yamèthin	631	1,157	4	6	0·63
	Pyinmana	514	919	43	61	8·37
	Total ...	2,292	4,155	71	110	3·10
	Grand Total ...	12,962	22,166	3,521	4,084	27·16

The proportion of summary trials is high in Mandalay. In Myingyan it is low. It varies of course with the Magistrates who happen to be stationed at headquarters for the trial of petty offences.

The number of persons under trial has increased from 21,100 to 22,737, and the percentage of convictions and committals has risen from 65·33 to 65·72. This is somewhat better than in Lower Burma in 1890, when the percentage was 60·31. In the North-Western Provinces the percentage was 50. The diversities in the proportion of convictions in different parts of the country are somewhat striking, and the causes require investigation. In Mandalay the percentage is 78·22, and it is over 70 throughout the Northern division, except in Shwebo, where it is 54·59. In the Central division it ranges between 61·14 and 66·34, in the Southern division between 55·19 and 58 88, and in the Eastern division between 55·95 in Pyinmana and 67·45 in Kyauksè. In Mandalay no doubt the percentage is raised by the number of convictions for Municipal and other minor offences, but this factor can have nothing to do with the difference of over 16 per cent. between Pyinmana and Katha and the Ruby Mines. When the number of cases of assault, hurt, and other compoundable offences is large, the proportion of convictions has of course a tendency to fall, while numerous prosecutions under special and local laws have the effect of sending it up.

7. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, C.C.P.) are shown below.

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.		Percentage of persons convicted to total number of persons concerned.	
		1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.
Northern.	Mandalay ...	81	65	22	28	59	36	72·83	55·38
	Bhamo ...	19	6	3	6	15	...	78·94	...
	Katha ...	24	8	6	1	18	6	75·00	75·00
	Ruby Mines ...	21	2	5	...	16	2	76·19	100·00
	Shwebo ...	2	...	...	...	2	...	100·00	...
	Total ...	147	81	36	35	110	44	74·82	54·32
Central.	Ye-u	151	14	11	7	139	7	92·05	50·00
	Sagaing	7	12	4	4	3	8	42·85	66·67
	Lower Chindwin ...	22	14	6	2	16	12	72·72	85·71
	Upper Chindwin ...	15	14	...	6	15	8	100·00	57·14
	Total ...	195	54	21	19	173	35	88·71	64·81
Southern.	Myingyan ...	8	8	1	1	6	7	75·00	87·50
	Pakôkku ...	6	12	1	7	5	5	83·33	41·67
	Minbu	48	46	11	16	37	30	77·08	65·22
	Magwe	16	32	2	5	13	27	81·25	84·37
	Total ...	78	98	15	29	61	69	78·21	70·41
Eastern.	Kyauksè ...	14	16	5	3	9	13	6·42	81·25
	Meiktila ...	47	73	5	44	34	28	72·34	38·36
	Yamèthin ...	62	52	26	16	36	32	58·06	61·54
	Pyinmana ...	30	39	1	9	29	30	96·66	76·92
	Total ...	153	180	37	72	108	103	70·58	57·22
	Grand Total ...	573	413	109	155	452	251	78·88	60·77

The number of persons required to give security for good behaviour was 201 fewer than in 1890. The percentage of convictions has fallen by 18 per cent., which is unsatisfactory. The police are not solely to blame for this result. Cases which appear clear enough out of Court are apt to break down from the reluctance of the lugyis or elders to give evidence, partly owing to fear, partly perhaps to persuasion or other inducement on the part of the person concerned and his friends There can hardly be a question that in some parts of the country at least, Mandalay for instance, the preventive provisions of the law are not adequately employed.

The Subdivisional Officer and Assistant Magistrate, Mandalay, reports :

"As regards crime among the Burman population, I think it is absolutely impossible to keep the percentage low until we have some means of compelling the elders to assist the police. In ordinary villages fines under the Village Regulation compel the influential men for their own sake to do their best to keep crime down. In Mandalay at present there is not only no means of compelling the elders to use their influence, but there is also no means of getting the orders of headmen obeyed. The process at present employed of swearing in men as special constables has had a good effect, but it is cumbersome, and does not bring it home to the whole mass of the people that it would be best for their own sake to help in keeping order. The new Regulation for dealing with towns will strengthen the hands of headmen."

Opinions in other districts are to the same effect. The District Magistrate, Pakôkku, thinks the working of the Track Law makes it possible to dispense with many prosecutions for bad livelihood.

The District Magistrates of Minbu, Magwe, Lower Chindwin, and Meiktila agree as to the difficulty of obtaining evidence in such cases.

It may be said perhaps that many persons who would otherwise have been proceeded against for bad livelihood are already at large on security given upon their release on conditional pardon.

8. This table shows the result of trials before Sessions Judges :—

Sessions Division.	Cases committed.	Persons committed.	Number of persons			Percentage of convictions (column 4) to total disposed of (columns 4 and 5).
			Convicted or referred under section 374, C.C.P.	Acquitted.	Died, escaped, transferred, or pending.	
1	2	3	4	5	6	7
Northern, Mandalay	46	122	80	25	17	76·19
Central, Sagaing	26	40	32	4	4	88·89
Southern, Minbu	43	85	58	18	9	76·32
Eastern, Yamèthin	34	46	32	14	...	69·57
Total ...	149	293	202	61	30	76·81

The heaviest sessions work is in the Northern and Southern divisions. The percentage of conviction is good. In 1890 in Lower Burma it was 65·28. Comparison can hardly be made with the Upper Burma figures of the year before, as Commissioners acted as Sessions Judges for less than half the year.

9. The following table shows the number of persons referred to the Sessions under sections 34 and 123, C. C. P.:—

Sessions Division.	Number of cases referred.	Number of persons referred.	Number of persons			Percentage of convictions (column 4) to total disposed of (columns 4 and 5).
			Convicted.	Acquitted.	Died, transferred, or pending.	
1	2	3	4	5	6	7
Northern, Mandalay	86	59*	50	4	...	92·59
Central, Sagaing	9	15	14	1	...	93·33
Southern, Minbu	29	60	59	1	...	98·33
Eastern, Yamèthin	13	27	19	2	6	90·48
Total ...	87	161	142	8	6	94·67

* Five persons referred to the High Court and further enquiry ordered.

In the previous year there were 60 reference cases in five months.

The percentage of convictions was a little lower last year than in 1890.

SECTION III.—PUNISHMENT.

10. Statement No. 5 shows details of the punishment inflicted by Sessions and Magisterial Courts during the year.

The following table compares the sentences passed in Sessions Courts in the past two years:—

Punishment in Sessions Courts.

Class of punishment.	1890.	1891.
Death	60*	28*
Transportation for life	68	73
Transportation for a term	57	46
Rigorous imprisonment only	263	151
Simple imprisonment only	1	...
Fine only	2	1
Whipping only	15	...
Fine and whipping only	5	...
Rigorous imprisonment with fine	72	8
Rigorous imprisonment with whipping	120	19
Simple imprisonment with fine	1	...
Total ...	659	326

* Sentences confirmed by the Judicial Commissioner.

The proportion of sentences of death to the total number of sentences hardly differs from that of the previous year. The increase of sentences of transportation for life is due to a number of cases in the Northern division arising from the peculiar relations of Wuntho to Katha before the rebellion. The sentences in these cases have been remitted by the local Government.

11. The following table shows the different classes of punishment inflicted in Magisterial Courts :—

Division.	Name of district.	Total number of persons punished.	Fine only.		Whipping only.		Fine and whipping only.		Rigorous imprisonment only.		Simple imprisonment only.		Rigorous or simple imprisonment with fine or whipping, or both.		Solitary confinement.	
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.
Northern	Mandalay	4,907	4,304	87·71	114	2·32	4	0·08	414	8·44	10	0·20	61	1·24	31	0·63
	Bhamo	506	364	71·94	23	4·54	.	...	82	16·21	4	0·79	33	6·52	1	0·20
	Katha	379	210	55·41	22	5·80	33	8·71	78	20·58	1	0·26	35	9·23	1	0·26
	Ruby Mines	255	145	56·86	12	4·71	...	...	37	14·51	1	0·39	60	23·53	.	
	Shwebo	491	343	69·86	8	1·63	1	0·20	104	21·18	9	1·83	26	5·30	6	1·22
	Total ...	6,538	5,366	82·07	179	2·74	38	0 58	715	10·94	25	0·38	215	3·29	39	0·60
Central	Ye-u	400	283	70·75	3	0·75	...	...	61	15·25	9	2·25	44	11·00	7	1 75
	Sagaing	821	508	61·88	29	3·53	...	...	208	25·33	3	0·37	73	8·89	3	0·37
	Lower Chindwin ...	468	289	61·75	19	4·06	...	...	133	28·42	13	2·78	14	2·99		.
	Upper Chindwin ...	403	228	56·58	36	8·93	...	...	92	22 83	8	1·98	39	9·67	16	3 97
	Total ...	2,092	1,308	62·52	87	4·16	...	...	494	23·61	33	1·58	170	8·13	26	1·24
Southern	Myingyan	749	422	56·34	46	6·14	...	...	214	28·57	18	2·40	49	6·54	1	0·13
	Pakôkku	789	524	66·41	20	2·53	...	...	201	25 48	6	0·76	38	4·82	3	0·38
	Minbu	652	445	68·25	23	3·53	...	...	131	20·09	23	3·53	30	4·60	.	.
	Magwe	871	516	59·24	56	6·43	...	...	211	24·23	12	1·38	76	8·73	51	5·86
	Total ...	3,061	1,907	62·30	145	4·74	...	..	757	24·73	59	1·93	193	6·30	55	1·80
Eastern	Kyauksè	573	382	66·67	17	2·97	..	..	105	18·32	8	1·40	61	10·65	6	1·05
	Meiktila	574	342	59·58	33	5·75	1	0·17	148	25·78	4	0·70	46	8·01	12	2·09
	Yamèthin	644	378	58·69	46	7·14	...	...	170	26·40	14	2·17	36	5·59	35	5·43
	Pyinmana	508	325	63·98	34	6·69	29	5·71	95	18·70	4	0·79	21	4·13	4	0·79
	Total ...	2,299	1,427	62·07	130	5·65	30	1·30	518	22·53	30	1·30	164	7·13	57	2·48
	Grand Total ...	13,990	10,008	71·54	541	3·87	68	0·49	2,484	17·76	147	1·05	742	5·30	177	1·27

The percentage of persons punished with fine only has slightly risen from 70·26 to 71·54. But it is only in the Northern division that the proportion has sensibly increased, a result principally due to Mandalay. The percentage of whippings has fallen from 5·60 to 3·87. In Lower Burma it was 7·85 in 1890 and in the North-Western Provinces 7. The reason for the decrease cannot be given. The District Magistrate, Meiktila, blames the reluctance of Burmese Magistrates to whip, and thinks such reluctance is due to religious scruples.

Fine and whipping together have been inflicted in a good many cases in Katha and Pyinmana.

Solitary confinement has been employed more freely than before as a means of punishment. Solitary confinement in idleness was not regarded by the Burman convict as an unmixed evil, but he looks with different feelings on solitary confinement accompanied, as it now is, with task-work.

12. The degrees of punishment inflicted in Sessions and Magisterial Courts are given below :—

Degrees of punishment.	1890.		1891.	
	Persons.	Percentage.	Persons.	Percentage.
Imprisonment (a)—				
Not exceeding 15 days	870	11·20	265	7·33
Not exceeding six months	1,511	45·74	1,901	52·59
Not exceeding two years	1,008	30·37	1,115	30·84
Not exceeding seven years	386	11·66	304	8·41
Exceeding seven years	34	1·03	30	0·83
Total ...	3,303	100·00	3,615	100·00
Whipping (b)—				
Ten stripes and under	137	14·44	112	16·05
Eleven to 20 stripes	352	37·09	304	43·55
Twenty-one to 30 stripes	460	48·47	282	40·40
Total ...	949	100·00	698	100·00
Fine (c)—				
Rupees 10 and under	6,376	65·40	7,274	69·03
Rupees 50 and under	2,736	28·07	2,844	26·99
Rupees 100 and under	340	3 49	275	2·61
Rupees 500 and under	281	2·88	136	1·29
Rupees 1,000 and under	9	0·09	8	0·08
Exceeding Rs. 1,000	7	0·07	...	...
Total ...	9,749	100·00	10,537	100·00

The majority of sentences of imprisonment are now between 15 days and 6 months in length. Sentences between 6 months and 2 years have increased slightly, while those over 2 years have decreased from 12·69 to 9·24 per cent.

There is still a tendency to inflict unnecessarily long sentences of imprisonment. The District Magistrate, Magwe, observes that when a Magistrate of the 3rd class becomes a Magistrate of the 2nd class he will give a man 6 months whom he would have been quite content before to punish with his 3rd class powers.

There are too many sentences of whipping of 10 stripes and under; District Magistrates generally agree that such punishments are ineffectual. It is satisfactory to see the increase in the proportion of fines of Rs. 10 and under, but it requires to go further. Magistrates are still too much inclined to impose heavy fines for trivial breaches of the law.

13. The next table shows how habitual offenders have been dealt with in the Criminal Courts :—

Number of times previously convicted.	NUMBER OF PERSONS SENTENCED TO									
	Transportation.	IMPRISONMENT OTHERWISE THAN IN DEFAULT OF FINE.						Fine only.	Whipping only.	Total.
		Above seven years.	Seven years and under.	Two years and under.	Six months and under.	Two months and under.	Fifteen days and under.			
1	2	3	4	5	6	7	8	9	10	11
Persons previously convicted once...	2	1	9	79	89	10	5	14	18	172
Persons previously convicted twice	1	1	10	27	10	...	...	...	3	52
Persons previously convicted three times.	...	...	6	6	..	...	...	...	...	12
Persons previously convicted four times.	...	...	..	3	4	2	...	...	2	11
Persons previously convicted five times.	..	...	...	...	...	..	.	...	...	...
Persons previously convicted six times.	...	...	...	...	...	...	...	...	...	...
Persons previously convicted seven times.	...	...	...	...	. .	...	...	...		...
Persons previously convicted nine times	...	...	...	...	...	...	...	...	...	...
Total ...	3	2	25	115	53	12	5	14	18	247

The number of habitual offenders has risen from 165 to 247. Probably more pains are everywhere taken to bring previous convictions to the notice of the Courts.

None of the registers of previous convictions have yet been printed, but they are being got ready, and it is expected that they will be sent to press in the course of the next two or three months.

It may be doubted whether the worst class of habitual offenders has been adequately dealt with. Only five sentences have been passed exceeding 7 years' imprisonment, though it is certain that there are many hopelessly incorrigible offenders.

The Deputy Commissioner, Upper Chindwin, thinks that the greater part of the habitual criminals of Burmese times have been killed or captured while the country was disturbed. The rest, who are at large on security or otherwise, are too wary to put themselves within reach of the law, but their instruction will not be lost on the upgrowing generation.

Several District Officers speak of the particularly good conduct of the convicts who have been conditionally pardoned and released on security.

14. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years and the amount of compensation given to complainants is shown below :—

	1890.			1891.		
	Rs.	A.	P.	Rs.	A.	P.
Imposed	2,14,727	12	0	1,75,926	14	6
Realized	1,49,034	15	6	1,38,320	11	4
Remitted	15,898	0	6	44,263	6	8
Struck off	12,936	6	4	41,108	7	5
Compensation granted	11,794	18	1	9,794	1	6

The percentage of fines realized to fines imposed is 78·63 as compared with 69·41 in 1890, a much needed improvement.

The amount awarded in compensation was Rs. 9,794 out of Rs. 1,38,330. Many Magistrates are still backward in using their powers in this respect. This is particularly noticeable in Bhamo, Pyinmana, Ye-u, and Shwebo.

The amount left unrealized at the end of the year came to Rs. 1,00,480. A good deal will have to be written off as irrecoverable.

The failure to realize fines may be put down in Bhamo to the imposition of inconsiderate fines on smugglers, in the Ruby Mines to the difficulty of

enforcing payment from illicit ruby-diggers, and in the Lower Chindwin to the infliction of heavy penalties in bribery cases. In ordinary cases it is usual for even somewhat heavy fines to be paid.

SECTION IV.—WITNESSES.

15. The next table shows the detention of witnesses in Sessions and Magisterial Courts and the number of witnesses examined:

Witnesses discharged in all Courts.	1890.		1891.		NUMBER OF WITNESSES EXAMINED.	
	Number.	Percentage to total witnesses discharged.	Number.	Percentage to total witnesses discharged.	1890.	1891.
First day	24,833	85·65	36,107	88·10	.	...
Second day	2,034	9·08	3,337	8·14	..	...
Third day	866	2·99	927	2·26	.	...
After third day	662	2·28	614	1·50	...	...
Total ...	28,995	100·00	40,985	100·00	26,969	36,416

The number of witnesses has risen by 11,990: of this increase 2,815 belong to Mandalay.

The proportion of witnesses detained over one day is less than in the previous year. There has been an improvement in the maintenance of witness registers, but there is room for more. Some Magistrates have omitted to pay the expenses of witnesses, but such omissions are now being remedied. As witnesses whose expenses have not been paid have sometimes been left out of the registers the actual number examined is larger than that shown.

16. The following table shows the average duration of cases brought to trial and disposed of by Magistrates:—

Division.	Name of district.	Number of cases disposed of.	Total duration.	AVERAGE DURATION OF ALL CASES.	
				1890.	1891.
NORTHERN ...	Mandalay	4,405	12,826	4	8
	Bhamo	429	1,406	5	8
	Katha	299	1,826	6	6
	Ruby Mines	204	997	4	5
	Shwebo	460	3,293	6	7
	Total ...	5,797	19,848	4	8
CENTRAL ...	Ye-u	311	1,732	4	6
	Sagaing	630	5,175	9	8
	Lower Chindwin	418	2,772	4	7
	Upper Chindwin	333	1,637	5	5
	Total ...	1,692	11,316	6	7
SOUTHERN ..	Myingyan	832	5,769	4	7
	Pakôkku	776	5,778	5	7
	Minbu	718	5,353	8	7
	Magwe	815	6,522	12	8
	Total .	3,141	23,422	8	7
EASTERN	Kyauksè	476	3,032	2	6
	Meiktila	671	5,581	9	8
	Yamèthin .	631	5,273	4	8
	Pyinmana	514	3,980	9	8
	Total	2,292	17,866	7	8
	GRAND TOTAL	12,922	72,452	5	6

The rise in the duration of cases is unsatisfactory. The demands of famine relief duty cannot be responsible for it entirely, for in some districts that have suffered severely from drought the duration has decreased. The increase in Kyauksè and Yamèthin is particularly marked, and Kyauksè is one of the districts in which the usual excuse of the requirements of famine relief cannot be pleaded. The duration in the Kyauksè Subdivisional Court was 12 days, and the same in the Singaing Township Court.

The other Subordinate Magistrates' Courts in which the duration of cases appears too long are—

	Days.
Tazè (Township Officer's)	28
Pindalè (Township Officer's)	12
Pyawbwè (Township Officer's)	14
Madaya (Subdivisional Officer's)	12
Shwebo (Subdivisional Officer's)	16
Ava (Subdivisional Officer's)	15
Ava (Township Officer's)	19
Dabwin (Township Officer's)	21
Taundwingyi (Subdivisional Officer's)	12

The duration in the Tazè Court is ascribed to sheer laziness.

In Mandalay, Bhamo, Sagaing, Magwe, Meiktila, and Pyinmana there has been a reduction of duration.

Several instances of excessive delay have come to notice, and it is necessary that Magistrates generally should set about disposing of cases with greater promptitude.

17. The duration of cases tried by Courts of Sessions in the past two years calculated from the day of commitment is given below :—

Sessions Division.	Number of cases tried.	Total duration.	Average duration.	
			1890.	1891.
Sessions Judge, Northern Division	38	2,448	87	64
Sessions Judge, Central Division	23	1,292	75	56
Sessions Judge, Southern Division	39	2,551	49	65
Sessions Judge, Eastern Division	84	1,288	12	36
Total ...	184	7,519	22	56

Except in the Eastern division, which is the most compact, the average duration of Sessions cases is greater than in Lower Burma.

SECTION V.—APPEALS.

18. The number of appeals disposed of last year as compared with the previous year is shown below :—

Appellate Court.	1890.	1891.
District Magistrates and Magistrates specially empowered to hear appeals ...	214	62
Sessions Judge	297	616
Judicial Commissioner	335	188
Total ..	846	866

With the change of system and the appointment of more Magistrates of the first class the bulk of the appellate work naturally goes to the Court of Session. The figures 335 for 1890 include appeals to Commissioners. The number of appealable cases has naturally diminished with the pacification of the country.

19. The results of appeals disposed of by District Magistrates and Sessions Judges are shown in the next table.

Results of Appeals.

	Class of Appellate Courts.	Total cases disposed of.	Total appellants disposed of.	Persons whose: Appeals were rejected.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.	Remarks.
Northern Division.	Mandalay	4	6	5	...	1	...	.	83·33	
	Bhamo	1	1	...	...	...	...	...	...	One person's new trial ordered.
	Katha	3	7	...	3	3	1	.	42·86	
	Ruby Mines	2	3	...	1	...	2	.	33·33	
	Shwebo	8	10	3	1	2	..	4	40·00	
	Sessions Judge, Northern Division.	187	187	101	29	27	...	22	69·52	Eight persons' new trial ordered.
	Total ...	205	214	109	34	33	3	26	66·82	Nine persons' new trial ordered.
Central Division.	Ye-u	1	1	...	1	..	...	...	100·00	
	Sagaing	8	19	...	2	1	...	16	10·53	
	Lower Chindwin	...	...	...	..	...	...	...	...	
	Upper Chindwin	1	1	...	...	...	.	...	...	One persons' new trila ordered.
	Sessions Judge, Central Division.	118	138	85	62	17	2	19	70·29	Three persons' new trial ordered.
	Total ..	128	159	85	65	18	2	35	62·89	Four persons' new trial ordered.
Southern Division.	Myingyan	10	14	...	10	4	.	...	71·43	
	Pakôkku	7	7	5	...	...	1	1	71·43	One person's sentence enhanced.
	Minbu	.	.	...	...	...	...	...	...	
	Magwe	4	11	..	5	...	2	4	45·45	
	Sessions Judge, Southern Division.	178	235	20	145	22	1	45	70·21	One person's sentence enhanced. Two persons' further enquiry or new trial ordered.
	Total ...	199	267	25	160	26	4	50	69·29	Two persons' new trial ordered.
Eastern Division.	Kyauksé	7	7	...	4	...	...	3	57·14	
	(a) Meiktila ..	2	2	2	...	...	...	...	100·00	
	(b) Magistrates specially empowered to hear appeals	1	1	...	...	1	...	...	...	
	Yamèthin	2	2	1	1	...	...	...	100·00	
	Pyinmana	1	1	...	...	1	...	...	...	
	Sessions Judge, Eastern Division.	133	159	122	...	4	5	28	76·73	
	Total ...	146	172	125	5	6	5	31	75·58	
	Grand Total ...	678	812	294	264	83	14	142	68·72	Fifteen persons' new trial ordered.

The appeals to District Magistrates are remarkably few, owing doubtless in a great measure to the special provisions of the Criminal Justice Regulation. In consequence of the change of system comparison cannot well be made with the previous year's figures. There was little interference by Courts of Session with convictions and sentences, the percentage being only from 23·28 to 30·49. The Commissioner of the Central Division remarks:—"In several cases very severe punishments had been inflicted for trivial offences, and these had to be reduced."

Well-measured sentences would certainly prevent a good deal of the interference which is now found necessary in appeal and revision.

20. Result of appeals disposed of by the Judicial Commissioner during the year 1891.

Class of Appellate Court.	Total cases disposed of.	Total appellants disposed of.	Persons whose						Remarks.
			Appeals were rejected.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.	
Judicial Commissioner ..	188*	243†	111	95	28	...	4	80·65	† Two new trials ordered. Three orders of acquittal set aside and accused sentenced to death, transportation, and imprisonment respectively.

* Includes three appeals preferred by Government against orders of acquittal.

In the previous year there were 335 appeals including those to Commissioners, of which 69·31 per cent. were unsuccessful. The number of sentences reversed is exceedingly small.

SECTION VI.—REVISION AND REFERENCE.

21. References to Judicial Commissioner under section 374, Criminal Procedure Code.

Reference by whom made.	Sentence.				
	Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Sessions Judge, Northern Division	5	3	2	...	...
Sessions Judge, Central Division	5	4	1	...	...
Sessions Judge, Eastern Division	8	8	...	...	...
Sessions Judge, Southern Division	15	13	1	...	1
Total ...	33	28	4	...	1

The number of death sentences in 1890 was 79, or 46 more. The percentage of sentences confirmed is 85 against 76 the year previous.

22. References to Judicial Commissioner under section 438, Criminal Procedure Code.

Division.	Reference by whom.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were				Pending.		Remarks.
				Confirmed.	Enhanced.	Reduced.	Reversed.	Cases.	Persons.	
Northern.	District Magistrate of Mandalay.	42	80	51	...	5	20	1	1	Three new trials ordered.
	District Magistrate of Bhamo	5	7	5	...	1	...	...	...	One new trial ordered.
	District Magistrate of Katha	3	3	1	...	1	1	...	...	
	District Magistrate of Ruby Mines.	2	2	2	...	...	...	...	...	
	District Magistrate of Shwebo	4	10	10	...	...	...	...	...	
	Sessions Judge, Northern Division.	42	83	54	1	9	8	2	3	Eight new trials ordered.
	Total ...	98	194	132	1	16	29	3	4	Twelve new trials ordered.
Central.	District Magistrate of Ye-u ...	6	6	4	...	2	...	...	...	
	District Magistrate of Sagaing	6	8	2	...	5	1	...	...	
	District Magistrate of Lower Chindwin.	3	3	3	...	...	...	...	...	
	District Magistrate of Upper Chindwin.	7	14	4	...	...	10	...	...	
	Sessions Judge, Central Division.	12	24	14	1	1	1	...	...	Seven proceedings quashed.
	Total ...	34	55	27	1	8	12	...	...	Seven proceedings quashed.
Southern.	District Magistrate of Myingyan.	17	29	16	8	...	4	...	...	One proceeding quashed.
	District Magistrate of Pakôkku	5	7	...	1	1	4	1	1	
	District Magistrate of Minbu	9	11	10	...	...	1	...	...	
	District Magistrate of Magwe	12	34	8	...	25	1	...	...	
	Sessions Judge, Southern Division.	14	23	10	1	1	7	2	4	
	Total ...	57	104	44	10	27	17	3	5	One proceeding quashed.
Eastern.	District Magistrate of Kyauksè.	16	21	6	...	1	11	...	...	Three new trials ordered.
	District Magistrate of Meiktila	8	13	7	3	3	...	...	...	
	District Magistrate of Yamèthin.	3	3	2	...	...	1	...	...	
	District Magistrate of Pyinmana.	12	12	12	...	...	...	...	...	
	Sessions Judge, Eastern Division.	17	27	7	2	10	8	...	...	
	Total ...	56	76	34	5	14	20	...	...	Three new trials ordered.
	Grand Total ...	245	429	237	17	65	78	6	9	Fifteen new trials ordered; eight proceedings quashed.

23. Cases called for by the Judicial Commissioner on his own motion, section 435, Criminal Procedure Code.

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were				Pending.		Remarks.
				Confirmed.	Enhanced.	Reduced.	Reversed.	Cases.	Persons.	
Northern.	Mandalay	119	237	178	8	...	27	10	26	Three new trials ordered.
	Bhamo	42	96	69	...	...	12	8	15	
	Katha	21	58	42	...	1	1	6	9	
	Ruby Mines	27	76	71	...	1	1	2	3	
	Shwebo	60	159	145	...	...	4	4	10	
	Sessions Judge, Northern Division.	...	...	...	...	...	...	...	...	
	Total ...	269	621	505	8	2	45	30	63	Three new trials ordered.
Central.	Ye-u	35	98	83	...	...	1	3	8	Five proceedings quashed; one new trial ordered.
	Sagaing	74	250	185	...	2	21	14	40	Two new trials ordered.
	Lower Chindwin... ...	45	83	63	...	1	5	6	14	
	Upper Chindwin ...	51	111	100	...	2	2	2	3	Three proceedings quashed.
	Session Judge, Central Division.	...	...	...	...	...	...	...	...	One new trial ordered.
	Total ...	205	542	431	...	5	29	25	65	Eight proceedings quashed; four new trials ordered.
Southern.	Myingyan	55	140	98	1	1	16	4	24	
	Pakôkku	59	131	114	2	...	12	3	3	
	Minbu	60	143	115	...	16	8	4	4	
	Magwe	59	254	241	...	...	11	2	2	
	Sessions Judge, Southern Division.	...	...	...	...	...	...	...	...	
	Total ...	233	668	568	3	17	47	13	33	
Eastern.	Kyauksè	51	103	95	2	1	4	1	1	
	Meiktila	71	154	133	...	1	7	4	4	Nine new trials ordered.
	Yamèthin	73	153	120	...	12	10	5	9	One proceeding quashed; one new trial ordered.
	Pyinmana	62	123	88	1	1	3	7	28	Two new trials ordered.
	Sessions Judge, Eastern Division.	1	2	2	..	...	...	...	...	
	Total ...	258	535	438	3	15	24	17	42	Twelve new trials ordered; one proceeding quashed.
	Grand Total ...	965	2,366	1,942	9	39	145	85	203	Nineteen new trials ordered; nine proceedings quashed.

The total of cases referred and called for in revision is 1,210. Of these sentences were enhanced in 26 cases and reduced in 104, while the conviction was reversed in 223 cases. The proceedings were quashed in 17 cases, and in 34 a new trial was ordered.

24. Results of applications for revision made to Sessions Judges and District Magistrates.

Class of Courts whose orders were the subject of revision.	Number of persons who applied for revision, including those pending from previous year.	Number of persons with respect to whom: Applications were rejected or orders confirmed.	Committal was ordered under section 436, C. C. P.	Further enquiry was ordered under section 437, C. C. P.	Reference was made to High Court under section 438, or to District Magistrate under section 435, C. C. P.	Applications were pending.	Total.	Remarks.
(a) Special Magistrates, section 14, C. C. P.	2	1	...	...	1	.	2	
(b) Stipendiary Magistrates.	580	449	1	18	56	24	548	
(c) Honorary Magistrates, including Benches.	...	..	...	...	...	..	...	
Total .	582	450	1	18	57	24	545	

25. Revision work done by Sessions Judges and Magistrates otherwise than on applications for revision.

Revising Court.	Number of cases called for and examined under section 435, C. C. P.	Number of cases in which committal was ordered under section 436, C. C. P.	Number of cases in which further enquiry was ordered under section 437, C. C. P	Number of cases referred to the High Court under section 438 or to the District Magistrate under section 435, C. C. P.	Pending cases.
Sessions Court ..	381	...	..	32	45
District Magistrate	1,635	...	17	35	65
Subdivisional Magistrates specially empowered under section 485, C. C. P.	30	.	.	5	...
Total ...	2,046	...	17	72	110

A great deal of work is done in revision by District Magistrates and Courts of Session, and after running the gauntlet below the Judicial Commissioner's Court has still to be faced, so that errors have little chance of escaping detection. As the District Magistrate, Magwe, writes in his report: "Hardly a case has gone unnoticed of those tried by the less experienced Magistrates."

By this means and by means of frequent inspections the working of the Criminal Courts is under steady and regular supervision.

The amount of interference with the orders of the Subordinate Courts is on the whole not very great. In the above two tables it is shown that a committal was directed in one case, further enquiry in 30, and submission of proceedings to the High Court in 129.

The action of District Magistrates in revision under the Criminal Justice Regulation is watched by means of a return which accompanies the monthly statement of sentences. No table has been prescribed for the annual report, but it would seem that the special powers conferred by the Regulation are exercised with moderation. Statement 6 gives the following figures :—

Sentences.	Number of persons.
Enhanced	41
Reduced	110
Reversed	206
Quashed	80
Quashed with new trial	51

26. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table :—

Receipt and Charges of Criminal Process Establishment.

Division.	Name of district.	Number of processes issued.	Receipt from process-fees.	Charges. Salaries of process-serving establishment.	Charges. Contingencies, &c.	Remarks.
			Rs. A. P.	Rs. A. P.	Rs. A. P.	
Northern.	Mandalay	3,026	2,119 8 0	.....	.....	
	Bhamo	288	175 0 0	167 8 0	.....	
	Katha	138	118 8 0	528 0 0	8 8 0	
	Ruby Mines	149	108 0 0	.....	.....	
	Shwebo	539	845 4 0	.....	43 12 0	
	Total ...	4,085	2,861 4 0	695 8 0	47 4 0	
Central.	Ye-u	97	145 12 0	384 0 0	.....	
	Sagaing	628	556 0 0	176 0 0	.....	
	Lower Chindwin ...	305	285 4 0	.....	.....	
	Upper Chindwin ...	250	225 0 0	.....	.....	
	Total ...	1,280	1,212 0 0	560 0 0	.....	
South-ern.	Myingyan	759	640 8 0	.....	.....	
	Pakôkku	670	551 0 0	.....	.....	
	Minbu	724	541 0 0	.....	.....	
	Magwe	849	667 0 0	.....	.....	
	Total ..	3,002	2,399 8 0	.....	.....	
Eastern.	Kyaukse	404	317 11 0	.....	.....	
	Meiktila	457	410 8 0	.....	.....	
	Yamèthin	616	588 0 0	.....	.....	
	Pyinmana	338	282 8 0	.....	.....	
	Total ...	1,815	1,598 11 0	.....	.....	
	Grand Total ...	10,182	8,071 7 0	1,255 8 0	47 4 0	

It is proposed to organize one process-serving establishment for all departments.

27. *General.*—The subject of inspection and other matters which are treated of in the Civil Justice Report need not be mentioned again.

The general opinion of District Officers and Commissioners that the administration of Criminal Justice has improved seems to be well-founded. Of course there are many faults and shortcomings which have still to be remedied, but allowance may be made for difficult conditions, such as the want of training of many officers, the inferiority of the clerical establishments, the sickliness of the climate in many places, the calls of other duties, and especially the exceptional demands made last year in consequence of the scarcity, and the great size of districts, like Bhamo and Katha, since the addition of Wuntho. In the latter occurred the special disturbance of the Wuntho rebellion and the burning of the Kawlin Court-house and the destruction of the records.

Magistrates are learning their work, and know it better and do it better. They take more care in recording evidence and in following the rules of procedure.

And these remarks on them may be concluded by two extracts from the full and interesting report of the District Magistrate of Magwe, Mr. Todd-Naylor, who says :—" No part of my work is more satisfactory than inspections, for the Subordinate Courts take such pains to attend to instructions that it is rarely necessary to point out anything twice.....

" The condition of the Courts and the way cases are tried are exceedingly creditable to the Subordinate Magistrates."

This commendation cannot be extended to all districts or all Magistrates, but it can to some, and the number of those deserving it is increasing.

G. D. BURGESS,

Judicial Commissioner, Upper Burma.

LOWER BURMA APPENDICES.

JUDICIAL STATEMENT NO. 1 (CRIMINAL).

Statement showing the number of Judicial divisions and the number of officers exercising Appellate or original Jurisdiction in Lower Burma on the last day of the year 1891, with the cost of tribunals.

Name of province		Area	Population	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts	Number of sub-districts	Total number of officers exercising original or appellate jurisdiction: Judges of Chief Court of provinces.	Judges of other Courts superior to Chief District Court.	Judges of Chief Courts of districts	Judges of districts other than Chief Courts	Judges of other Subordinate Courts	Total number of cases decided: Original: Regular	Original: Miscellaneous	Appeals: Regular	Appeals: Miscellaneous	Total receipts of the Courts	Total charges of the Courts
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
		Sq. miles														Rs. A. P.	Rs. A. P.
LOWER BURMA — Territory subject to the High Court	Civil	...	...	.	.	..	...	...	...	...	...	...	...	...	...	.....	.....
	Criminal	87 957	4,658,627	6	19	34	2	6	19	145	18*	38,837	674	3,916	806	4,77,725 9 0	6,18,185 12 11
	Revenue	..	...	..	...	...	..	...	...	...	.	...	...	...	...	.....	.....
LOWER BURMA — Territory not subject to the High Court	Civil	..	...	...	..	..	..	..	..	...	..	...	...	...	...	.....	.....
	Criminal		...	..	..	..	...	...	...	.	...	...	...	...	...	.....	.....
	Revenue	.			.	...	...	...		..	..	..	.	..	..	.....	.
	Total	87,957	4,658,627	6	19	34	2	6	19	145	18*	38,837	674	3,916	806	4,77,725 9 0	6,18,185 12 11

Remarks.	Grades of Judicial Officers	European	Native
Officers exercising both original and appellate jurisdiction.	Judicial Commissioner ...	1	..
	Recorder of Rangoon ...	1	..
	Sessions Judges	4	..
	Additional Sessions Judge ...	1	..
	Judge of Moulmein ...	1	..
	District Magistrates ..	19	..
	Magistrates of 1st class invested with appellate powers under section 407, C. P. Code.	1	..
Officers exercising original jurisdiction only	Stipendiary Magistrates of 1st class.	19	44
	Stipendiary Magistrates of 2nd class	3	46
	Stipendiary Magistrates of 3rd class.	1	30
	Special Magistrates under section 14, C P Code	2	..
	Honorary Magistrates sitting singly	1	3
	Benches of Honorary Magistrates.	...	14

* Including 14 Benches of Honorary Magistrates counting each bench as one officer.

JUDICIAL STATEMENT NO. 2 (CRIMINAL).

Statement of offences reported and of persons tried, convicted, and acquitted of each class of offence in Lower Burma for the year 1891.

Description of offence.	Number of offences reported.	Number of cases returned as true	Number of cases brought to trial during the year	Number of persons: Under trial during the year including pending from previous year.*	Acquitted or discharged.	Convicted	Died, escaped, or transferred to another province.	Remaining under trial	Remarks.
1	2	3	4	5	6	7	8	9	10
Offences of abetment, Chapter V of the Indian Penal Code	2	2	2	4	2	2	...	...	
Offences against the State, Chapter VI of the Indian Penal Code	1	1	2	6	...	6	...	...	
Offences relating to the Army and Navy, Chapter VII	1	1	...	...	...	..	...	...	
Offences against the public tranquillity, Chapter VIII	315	294	287	1,569	529	1,006	7	27	
Offences by, or relating to, public servants, Chapter IX	197	172	193	265	129	123	3	10	
Contempts of the lawful authority of public servants, Chapter X	235	223	241	441	166	260	6	9	
False evidence and offences against public justice, Chapter XI	726	659	660	922	370	507	7	38	
Offences relating to coin and Government stamps, Chapter XII	36	33	31	41	16	25	...	...	
Offences relating to weights and measures, Chapter XIII	17	17	17	29	16	13	...	...	
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	1,560	1,469	1,425	2,442	681	1,744	...	17	
Offences relating to religion, Chapter XV	45	43	30	85	44	40	...	1	
Offences affecting the human body, Chapter XVI. — Offences affecting life	253	233	260	323	171	150	6	36	
Offences affecting the human body, Chapter XVI. — Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	14	13	10	16	9	5	...	2	
Offences affecting the human body, Chapter XVI. — Hurt	2,795	2,671	2,220	3,721	2,139	1,478	14	90	
Offences affecting the human body, Chapter XVI. — Wrongful restraint and wrongful confinement	159	140	99	290	168	112	1	9	
Offences affecting the human body, Chapter XVI. — Criminal force and assault	3,858	3,435	2,424	5,643	3,718	1,830	22	73	
Offences affecting the human body, Chapter XVI. — Kidnapping, forcible abduction, slavery, and forced labour	207	159	147	197	121	68	1	7	
Offences affecting the human body, Chapter XVI. — Rape	203	120	99	121	73	39	1	8	
Offences affecting the human body, Chapter XVI. — Unnatural offence	15	11	11	12	4	4	...	4	
Offences against property, Chapter XVII. — Theft	10,704	9,381	5,885	8,082	2,838	5,043	27	174	
Offences against property, Chapter XVII. — Extortion	116	100	87	107	82	62	1	22	
Offences against property, Chapter XVII. — Robbery and dacoity	450	390	371	866	402	388	3	73	
Offences against property, Chapter XVII. — Criminal misappropriation of property	230	195	197	278	150	118	1	9	
Offences against property, Chapter XVII. — Criminal breach of trust	452	381	339	383	199	158	7	19	
Offences against property, Chapter XVII. — Receiving of stolen property	546	475	410	724	259	452	2	11	
Offences against property, Chapter XVII. — Cheating	308	259	265	360	206	145	2	7	
Offences against property, Chapter XVII. — Fraudulent deeds and disposition of property	13	8	9	14	11	2	..	1	
Offences against property, Chapter XVII. — Mischief	824	737	588	1,015	698	304	3	10	
Offences against property, Chapter XVII. — Criminal trespass	2,108	1,861	1,422	2,416	1,387	963	5	41	
Offences relating to documents and to trade or property-marks, Chapter XVIII	23	24	23	36	23	10	...	3	
Criminal breach of contracts of service, Chapter XIX	14	11	16	23	10	12	...	..	
Offences relating to marriage, Chapter XX	276	225	216	254	212	33	...	9	
Defamation, Chapter XXI	151	118	125	200	158	29	...	13	
Criminal intimidation, insult, and annoyance, Chapter XXII	2,044	1,723	1,756	2,409	1,625	758	5	21	
Offences under special and local laws	19,197	18,924	18,889	32,835	8,664	23,522	163	486	
Total	48,049	44,528	38,755	66,228	25,280	39,431	287	1,230	

* That is the totals of columns 6 to 9.

JUDICIAL STATEMENT No. 2A. (CRIMINAL).

Statement showing the general result of the trial of European British subjects in Lower Burma for the year 1891.

Description of offence.	Number of persons accused and brought before a Magistrate: Remaining at the close of the previous year.	Within the year: On complaint, section 191 (a), Criminal Procedure Code.	On police report, section 191 (b) of the Code.	By Magistrate *suo motu*, section 191 (c) of the Code.	On transfer from another province.	Total.	Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Persons whose cases were disposed of — By District Magistrates and other 1st class Magistrates: Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Committed: To Court of Sessions.	To High Court.	Transferred by order under section 451B of the Code.	Total, omitting entries in columns 10 and 15.	By Courts of Sessions: Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 of the Code.	Total, exclusive of column 17.	By High Court: Convicted.	Acquitted.	Total.	Total for all Courts: Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Number of cases: Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court for an order under section 426 of the Code.	Of those entered in column 5, number who applied under section 2, Act III of 1884, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
ences against the State, Chapter VI of the Indian enal Code.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ences relating to the Army and Navy, Chapter VII ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ences against the public tranquillity, Chapter VIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ences by, or relating to, public servants, Chapter IX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ntempts of the lawful authority of public servants, Chapter X.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
lse evidence and offences against public justice, Chapter XI.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ences relating to coin and Government stamps, Chapter XII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ences relating to weights and measures, Chapter XIII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	...	...	1	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...	...
fences relating to religion, Chapter XV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
the human body, Chapter XVI. — Offences affecting life	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of births..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hurt	...	7	2	...	...	9	...	9	...	7	2	...	...	...	9	...	...	...	...	...	...	...	...	7	2	9	...	9	9	...	...	...	...
Wrongful restraint and wrongful confinement...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal force and assault	...	11	1	...	...	12	...	12	...	5	7	...	...	...	12	...	...	...	...	...	...	...	...	5	7	12	...	12	12	...	...	...	...
Kidnapping, forcible abduction, slavery, and forced labour.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rape	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Unnatural offence...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
property, Chapter XVII. — Theft	...	...	3	...	...	3	...	3	...	3	...	...	...	...	3	...	...	...	...	...	...	...	...	3	...	3	...	1	1	...	...	...	...
Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal misappropriation of property ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal breach of trust	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Receiving of stolen property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cheating	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fraudulent deeds and disposition of property ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mischief	...	1	...	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...	...
Criminal trespass	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ffences relating to documents and to trade or property-marks, Chapter XVIII.	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
riminal breach of contracts of service, Chapter ...XIX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ffences relating to marriage, Chapter XX	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
efamation, Chapter XXI	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
riminal intimidation, insult, and annoyance, Chapter XXII.	...	2	...	...	...	2	...	2	...	1	1	...	...	...	2	...	...	...	...	...	...	...	...	1	1	2	...	2	2	...	...	...	...
ffences under special and local laws	...	102	84	...	...	186	...	186	...	157	29	...	...	...	186	...	...	...	...	...	...	...	...	157	29	186	...	116	116	...	...	...	...
Total ...	...	124	91	...	...	215	...	215	...	175	40	...	...	...	215	...	...	...	...	...	...	...	...	175	40	215	...	143	143	...	...	...	...

Subsidiary table.

Description of offence.	35. Of the total number of persons shown in — Column 16.: Number who claimed to be tried by a mixed jury, section 451A (1) of the Code.	Number who did not so claim.	Number of those in column 35 (1) whose cases were transferred under section 451B of the Code.	Column 21.: Number who claimed a mixed number of assessors, section 451 (2) of the Code.	Number who did not so claim.	Columns 21 and 24.: Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	36. Of cases shown in column 30 — Disposed of by Magistrates.: Being European British subjects.	Other than European British subjects.	Disposed of by Sessions Judges.: Being European British subjects.	Other than European British subjects.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	...	213	...	...	...	...	...	8	135	...	...

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Showing Miscellaneous Proceedings under the Criminal Procedure Code in Lower Burma for the 1891.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Frivolous or vexatious complaints summarily dealt with, under Chapter XX, section 250.	66	74	36	36	Two pending.
2.—Proceedings against witnesses, under Chapter VI	8	9	3	6	
3.—Forfeiture of bail or recognizance, under Chapters XXXIX and XLII	195	345	118	217	Ten pending.
4.—Non-attendance of jurors or assessors, Chapter XXIII, section 332	4	4	1	3	
5.—Contempts of Court, under Chapter XXXV	...	...		...	
6.—Proceedings under Chapter VIII to prevent breach of the peace	101	131	31	100	
7.—Security for good behaviour, under Chapter VIII	2,614	2,638	651	1,898	Thirty-one pending, 55 escaped, 3 transferred.
8.—Proceedings against local nuisances, Chapters X and XI	14	30	12	14	Four pending.
9.—Possession, Chapters XII and XLIII	11	16	7	8	One pending.
10.—Maintenance, Chapter XXXVI	326	329	156	166	Seven pending.
Total ...	3,339	3,576	1,015	2,448	Fifty-five pending, 55 escaped, 3 transferred.

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the general result of Criminal Trials in the tribunals of various classes in Lower Burma for the year 1891.

Class of tribunal.	Total number of persons under trial.‡	Persons whose cases were disposed of.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted. On regular trial.	Convicted. On summary trial.	Committed or referred.					
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates ... Special Magistrates, under section 14 ...	133	...	66	60	...	...	7	66	4	149	
Subordinate Magistrates ... Honorary Magistrates sitting singly ...	9	...	2	7	...	...	...	8	3	28	
Subordinate Magistrates ... Stipendiary Magistrates sitting singly ...	52,416	263	20,369	23,806	5,473	1,488	1,022	29,198	7	102,801	
Subordinate Magistrates ... Benches of Magistrates	10,188	8	3,079	103	6,962	...	36	6,472	2	8,375	
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	1,507	10	572	843	2	49	31	998	9	...	
Chief Magistrates of districts	2,705	4	875	1,226	272	257	71	1,465	14	9,472	
Courts of Sessions *	1,054	2	312	639	...	38	63	577	27	3,960	
Superior Courts †	43	...	5	38	...	...	...	53	31	75	
Total ...	68,055	287	25,280	26,722	12,709	1,827	1,230	38,837	7	124,881	

* Include cases decided by Sessions Judges on reference under sections 31 and 34, Criminal Procedure Code.
† Include cases decided by the High Court on reference under sections 307 and 374, Criminal Procedure Code.
‡ That is, the total of the entries in columns 3 to 8. The cases of persons transferred from one Court to another in the same province will appear only against the Court by which decided or in which pending at the end of the year, if not decided.

JUDICIAL STATEMENT NO. 5 (CRIMINAL).

Statement showing the Punishments inflicted by the various Criminal Tribunals in Lower Burma for the year 1891.

Class of tribunal.	Persons sentenced to: Death.	Transportation.	Penal servitude.	Imprisonment: Rigorous.	Imprisonment: Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishment. Fine: Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realised during the year ‡	Amount paid by way of compensation.	Imprisonment: Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Whipped: Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Village Officers	...	...	...	...	...	...	...	...	...	...	...	...	.	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates: Special Magistrates, under section 14.	...	...	...	2	...	...	58	...	...	...	42	12	4	...	...	...	780 0 0	780 0 0	40 0 0	...	2	...	...	...	...	...	...	...
Subordinate Magistrates: Honorary Magistrates sitting singly.	...	...	...	...	...	...	7	...	...	...	7	..	...	...	...	...	3,29,490 9 0	2,76,005 9 0	22,484 11 4	...	...	...	...	...	...	...	...	...
Subordinate Magistrates: Stipendiary Magistrates sitting singly.	...	...	...	6,245	201	...	19,789	1,674	1,877	1,108	12,616	6,082	860	213	18	...	45 0 0	45 0 0	.....	607	4,004	2,761	182	...	205	875	614	5
Subordinate Magistrates: Benches of Magistrates	...	...	...	36	11	...	7,006	15	...	...	6,666	338	1	1	...	...	24,497 0 7	23,284 12 3	4,146 2 8	25	22	..	...	...	6	9	...	...
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	...	...	...	574	8	...	457	196	55	38	192	201	40	22	2	...	16,830 12 3	11,308 10 6	333 3 3	14	203	350	53	...	24	81	91	1
Chief Magistrates of districts	...	...	...	849	22	...	630	197	58	40	294	139	42	42	3	...	30,400 3 6	14,065 1 3	865 13 3	49	233	273	349	7	24	93	80	...
Courts of Sessions* ...	4	305	...	309	1	...	10	15	8	8	...	...	6	2	...	2	4,264 14 6	917 14 6	350 0 0	2	22	45	224	25	1	7	7	1
Superior Courts†	30	7	...	1	...	...	...	...	...	..	...	...	...	...	...	...	.....	.....	.....	...	...	...	1	...	...	...	...	...
Total ...	34	312	...	8,016	243	...	27,847	2,097	1,998	1,194	19,817	6,772	953	280	23	2	3,96,308 7 10	3,26,406 15 6	28,219 14 6	697	4,486	3,429	809	32	260	1,042	792	7

* Includes cases decided by Sessions Judges on reference under sections 31 and 34, Criminal Procedure Code. | † Includes cases decided by the High Court on reference under sections 307 and 374, Criminal Procedure Code.
‡ Includes fines realised during the year, though imposed in previous years.

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI, 1864, in lieu of other punishments in the Lower Burma for the year 1891.

Offences for which awarded.		Number of stripes awarded.													Remarks.
		5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25		26 to 30.			
		First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	Total.	
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other punishments (sections 2 and 3, Act VI of 1864)—															
1.—Theft, as defined in	section 378, I. P. C.	2	...	57	2	76	10	69	11	32	4	40	12	335	
	section 379, do.	7	...	28	..	42	4	38	2	18	...	34	6	179	
	section 380, do.	4	.	107	3	175	10	385	8	80	12	283	14	1,081	
	section 381, do.	2	...	2	...	3	1	1	.	2	...	3	1	15	
	section 382, do.	...	...	...	...	...	...	...	.	...	..	...	...	..	
2.—Extortion, as defined in	section 388, do.	...	...	...	...	...	...		...	...		...	...	..	
	section 389, do.	...	...	.	..	.	...	1	...		...	...	...	1	
3.—Dishonestly receiving stolen property, as defined in	section 411, do.	3		7		8		33	2	5	1	16	...	75	
	section 414, do.	...	...			...	...	3	...	1	...	...	.	4	
	section 412, do.	...	...	1	...	1	2	...	...	...	...	1	...	5	
4.—Lurking house-trespass, as defined in	section 457, do.	.	...	...	.	1	..	3	...	1	...	4	1	10	
	section 448, do	...	...		...	...	...	.	...	...	...	1	...	1	
	section 448, do.	...	...	...	...	...		1	...	...	2	...	...	3	
5.—Lurking house-trespass by night as defined in	section 444, do.	...	...	...			...	...	...	...	1	1	...	2	
6.—House-breaking, as defined in	section 445, do.	...	...	...	...	1	...	4	...	..	..	...	..	5	
7.—House-breaking by night, as defined in	section 446, do.	...	..	1	...	...	...	3	1	1	..	1	1	8	
8.—Offences under—	section 14, Act III, 1880.	...	..	...	...	...	...	...	...	...	...	...	...	...	
	section 193, I. P. C.	...	...	...	..		...	...	...	...	...	1	...	1	
	section 323, do	...	..	1	...	1	...	...	...	..	...	...	...	2	
	section 324, do.	...	...	...	..	.	...	...	...	1	...	...	..	1	
	section 354, do	..	...	...	...	1	...	...	...	...	...	...	...	1	
	section 395, do	.	...	...	..	...	...	..		...	...	1	..	1	
	section 403, do.	..		..	..	...	..	1	...		...	.	...	1	
	section 420, do	...	...	...	.	...	...	.	...	1	...	...	...	1	
	section 240, do.		...	...	...	...	...	1	...	...		...	...	1	
	section 3 of Gambling Act	...			...	...	..	...	...	1	...	.	...	1	
	offences under Prisoners Act.			...			...	1	...	...	..	2	.	3	
	Total ...	18		204	5	309	27	504	24	143	20	388	35	1,737	

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1891.

Offences for which awarded.		Number of stripes.							Remarks.
		5 and under	6 to 10	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total	
1		2	3	4	5	6	7	8	9
In addition to other punishments (sections 3 and 4)—									
A.—Section 3									
1 – Theft, as defined in	section 378, I P. C. ..	..	...	2	8	1	34	45	
	section 379, do. ...	. .	. .	1	6	...	14	21	
	section 380, do. ...	...	1	6	41	13	114	175	
	section 381, do ...	...	1	1	...	2	3	7	
	section 382, do. ...	...	...	...	...	...	...	...	
2 – Extortion, as defined in	section 388, do. ...	...	...	...	..	...	...	...	
	section 389, do. ...	...	...	...	...	...	...	...	
	Carried over ...	..	2	10	55	16	165	248	

PART II—concluded.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1891—concluded.

Offences for which awarded.		Number of stripes.						Total.	Remarks.
		5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1		2	3	4	5	6	7	8	9
	Brought forward ...	...	2	10	55	16	165	248	
3.—Dishonestly receiving stolen property, as defined in	section 411, I. P. C. ...	...	...	...	1	...	2	3	
	section 412, do. ...	...	...	...	...	...	...	...	
4.—Lurking house-trespass, as defined in	section 443, do. ...	...	...	1	2	...	...	3	
5.—Lurking house-trespass by night, as defined in	section 444, do. ...	...	...	...	...	...	...	...	
6.—Housebreaking, as defined in ...	section 445, do. ...	...	...	...	...	...	1	1	
7.—Housebreaking by night, as defined in	section 446, do. ...	...	...	...	...	...	...	...	
8.—Offence under	section 14, Act III of 1880 ...	...	...	...	...	...	...	...	
B.—Section 4.									
1.—False evidence, as defined in ...	section 193, I. P. C. ...	...	...	...	...	...	...	...	
	section 194, do. ...	...	...	...	...	...	1	1	
	section 195, do. ...	...	...	...	...	...	...	...	
2.—False charge of unnatural offence, as defined in	section 211, do. ...	...	...	...	...	...	...	...	
	section 377, do. ...	...	...	...	...	...	...	...	
.—Assault, as defined in	section 354, do. ...	...	...	...	...	...	1	1	
4.—Rape, as defined in	section 375, do. ...	...	...	...	...	...	...	...	
5.—Unnatural offence, as defined in ...	section 377, do. ...	...	...	...	...	...	...	...	
6.—Robbery, as defined in	section 392, do. ...	...	...	...	...	...	1	1	
7.—Dacoity, as defined in	section 391 do. ...	...	...	...	...	...	...	...	
8.—Attempt at robbery, as defined in ...	section 393, do. ...	...	...	...	...	...	...	...	
9.—Hurt in committing robbery, as defined in	section 394, do. ...	...	...	...	...	...	...	...	
10.—Receiving stolen property, as defined in	section 413, do. ...	...	...	...	...	...	...	...	
11.—Forgery, as defined in	section 463, do. ...	...	...	...	...	...	...	...	
	section 466, do. ...	...	...	...	...	...	...	...	
	section 467, do. ...	...	...	...	...	...	...	...	
	section 468, do. ...	...	...	...	...	...	...	...	
	section 469, do. ...	...	...	...	...	...	...	...	
12.—Lurking house-trespass, as defined in	section 456, do. ...	...	1	...	...	...	...	1	
13.—Lurking house-trespass by night, as defined in	section 444, do. ...	...	...	...	...	...	...	...	
14.—Housebreaking, as defined in ...	section 445, do. ...	...	...	...	...	...	...	...	
	section 446, do. ...	...	...	...	...	...	1	1	
	Total ...	...	3	11	58	16	172	260	

NOTE.—Include juveniles punished under any of these heads.

PART III.

Statement showing whippings inflicted under section 5, Act VI of 1864, on Juveniles for offences other than those specified in Parts I and II in the Lower Burma for the year 1891.

Offence.		Stripes.												Total.	Remarks.
		5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
		First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15
Section	160, I. P. C. ...	...	...	4	...	3	...	1	...	...	...	...	...	8	
	215, do.	...	...	1	...	...	...	...	...	...	...	3	...	4	
	305, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
	323, do.	...	...	4	...	1	...	2	...	...	...	...	2	9	
	324, do.	1	...	3	...	4	...	1	...	2	...	...	...	11	
	325, do.	...	...	...	...	...	...	3	...	...	...	3	...	6	
	326, do.	...	...	...	...	...	...	1	...	...	...	1	...	2	
	336, do.	1	...	...	...	...	...	...	...	...	...	...	...	1	
	363, do.	...	...	...	...	1	...	...	...	1	...	...	...	2	
	366, do.	...	...	...	...	...	...	...	...	1	...	...	...	1	
	376, do.	...	...	...	...	2	...	...	...	...	...	1	...	3	
	379, do.	...	...	9	...	15	1	3	...	2	...	...	...	30	
	380, do.	1	...	2	...	3	...	2	...	...	1	...	...	9	
	395, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
	411, do.	2	...	...	...	...	...	...	...	...	...	...	1	3	
	417, do.	1	...	...	...	3	...	...	...	...	...	...	...	4	
	420, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
	457, do.	...	...	...	...	2	...	1	...	...	...	...	...	3	
	465, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
	Total ...	6	...	24	...	36	1	15	...	6	1	8	3	100	

PART IV.

Statement showing relative number of times whipping was awarded as compared with other punishments in Lower Burma for the year 1891.

Punishments.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded (a)	2,097	
2. Total number of other punishments in cases in which whipping might have been awarded.	6,444	
3. Total number of all punishments in cases in which whipping might have been awarded (Total of headings 1 & 2).	8,541	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	24·55	

(a) Total of columns 14, Parts I and III, and column 8, Part II.

JUDICIAL STATEMENT NO. 6 (CRIMINAL).

Statement showing the result of Appeal and Revision in Criminal cases in Lower Burma in the year 1891.

Class of tribunal.	Number of persons.											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Courts.†	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals to—													
Chief Magistrates of districts*	1,008	1	208	358	2	170	216	28	5	...	20	27	
Courts of Sessions	2,992	...	1,983	433	...	197	255	...	29	8	87	4	
Superior Courts { by persons convicted	623	...	485*	1	...	44	57	...	1	...	35	25	*Includes confirmations.
Superior Courts { by Government from judgments of acquittal ...	7	...	3	...	...	...	...	...	...	...	...	27	Four persons convicted.
Total ...	4,630	1	2,679	792	2	411	528	28	35	8	142	10	Four persons convicted.
Revision by—													
Chief Magistrates of districts	6,272	...	162	5,341	...	2	...	...	38	387	342	12	
Courts of Sessions	1,512	...	451	830	2	6	16	1	10	129	67	19	
Superior Courts	1,962	...	...	1,065	9	152	506	108	17	...	105	25	
Total ...	9,746	...	613	7,236	11	160	522	109	65	516	514	13	
GRAND TOTAL ...	14,376	1	3,292	8,028	13	571	1,050	137	100	524	656	12	Four persons convicted.

* Or other Magistrates authorized to hear appeals under section 407, Criminal Procedure Code.
† That is the total of columns 3 to 12, cases transferred from one Court to another in the same province, will appear only against the Court by which decided, or in which pending at the end of the year if not decided.

JUDICIAL STATEMENT NO. 13 (CRIMINAL).

Statement showing use of Jurors and Assessors in the Criminal Courts in Lower Burma for the year 1891.

Classes of Courts in which jurors or assessors are employed distinguishing Criminal from Civil Courts.		Established or average number of jury or assessors in each case, and prescribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	Cases in which the Judge approved of the verdict.	Jury trials. Cases in which the Judge did not approve of the verdict. Wholly.	Partially.	Number of persons of the verdict in respect to whom the Judge disapproved. Whose cases he referred under section 307, C. P. Code.	Whose cases he did not refer under section 307, C. P. Code.	Number of cases in which the Judge agreed with assessors.	Assessors' trials. Number of cases in which Judge differed from. One assessor.	Both assessors.	Remarks.
1		2	3	4	5	6	7	8	9	10	11	12	13
I.—Civil Courts.													
Chief Courts of districts (or officer specially empowered) acting under Act X of 1870.	Assessors	...	...	...	...	...	...	...	...	...	...	.	
II.—Criminal Courts.													
Magistrates' Courts under Chapter X, C. P. Code.	Jurors ...	...	...	...	...	...	...	...	...	...	...	...	
Courts of Session	Jurors ...	5	58	...	56	1	1	...	2	...	...	...	
	Assessors	2	...	331	...	...	...	...	...	187	31	113	
High Court, Original Criminal Jurisdiction.	Jurors ...	9	2	...	2	...	...	...	...	...	...	...	
Total ...		...	60	331	58	1	1	...	2	187	31	113	

G. B. C. P. O.—No. 3394, B. S., 29-8-92—350.

UPPER BURMA APPENDICES.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Showing the number of Judicial divisions and the number of officers exercising Appellate or Original Criminal Jurisdiction in Upper Burma on the last day of the year 1891, with the cost of Tribunals.

Name of district.			Area in square miles.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction. Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other subordinate Courts.	Total number of cases decided. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.	Remarks.
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																	Rs. A. P.	Rs. A. P.	
Upper Burma.	Territory subject to the High Court.	Civil ...	...	...	...	...	...	...	...		...	..	...	...	..	...	...	...	
		Criminal ...	83,473	3,063,426	4	17	50	1	4	17	84	113	13,127	397	680	2,294	1,44,576 6 4	4,45,700 13 3	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court.	Civil ...	...	..	...	...	...	...	...	...	...	...	...	..	...	...	...	...	
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...		83,473	3,063,426	4	17	50	1	4	17	84	113	13,127	397	680	2,294	1,44,576 6 4	4,45,700 13 3	

Grades of Judicial Officers.	European.	Native.
Officers exercising both Original and Appellate Jurisdiction.		
Judicial Commissioner	1	...
Sessions Judges	4	...
Judge of Mandalay	..	...
District Magistrates	17	...
Assistant or Extra Assistant Commissioners with Appellate powers.	1	...
Officers exercising Original Jurisdiction only.		
Assistant Commissioners	18	...
Extra Assistant Commissioners ...	15	5
Myoôks	16	111
Special Magistrates, section 14, C. C. P. ...	6	8
Honorary Magistrates sitting singly ...		
Benches of Honorary Magistrates ...	1	30

JUDICIAL STATEMENT NO. 2 (CRIMINAL).

Showing the number of offences reported and of persons tried, convicted, and acquitted of each class of offence in Upper Burma for the year 1891.

Description of offence	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year	Number of persons: Under trial during the year including pending from previous year.	Number of persons: Acquitted or discharged.	Number of persons: Convicted.*	Number of persons: Died, escaped, or transferred to another province	Number of persons: Remaining under trial.	Remarks.
1	2	3	4	5	6	7	8	9	10
Offence of abetment, Chapter V	...	...	...	...	...		...	...	
Offences against the State, Chapter VI of the Indian Penal Code	14	11	16	44	20	24	...	...	
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	
Offences against the public tranquillity, Chapter VIII	80	79	87	297	101	195	...	1	
Offences by or relating to public servants, Chapter IX	101	97	103	131	33	88	...	10	
Contempts of the lawful authority of public servants, Chapter X	155	154	142	228	74	146	1	7	
False evidence and offences against public justice, Chapter XI	289	277	296	452	125	301	5	21	
Offences relating to coin and Government stamps, Chapter XII	24	23	26	37	12	25	...	...	
Offences relating to weights and measures, Chapter XIII	7	7	5	38	12	26	...	...	
Offences affecting public health, safety, convenience, decency, &c., Chapter XIV	544	517	489	838	183	652	2	1	
Offences relating to religion, Chapter XV	26	26	19	61	13	48	...	...	
Offences affecting the human body, Chapter XVI. — Offences affecting life	132	124	190	258	47	174	3	34	
Offences affecting the human body, Chapter XVI. — Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	5	5	4	5	3	2	.	...	
Offences affecting the human body, Chapter XVI. — Hurt	740	731	596	1,067	633	387	8	39	
Offences affecting the human body, Chapter XVI. — Wrongful restraint and wrongful confinement	96	94	92	139	69	68	...	2	
Offences affecting the human body, Chapter XVI. — Criminal force and assault	994	958	962	1,564	1,031	596	21	16	
Offences affecting the human body, Chapter XVI. — Kidnapping, forcible abduction, slavery, &c.	60	50	46	79	49	27	...	3	
Offences affecting the human body, Chapter XVI. — Rape	96	58	66	80	35	41	1	3	
Offences affecting the human body, Chapter XVI. — Unnatural offence	8	7	10	10		10	...	...	
Offences against property, Chapter XVII. — Theft	4,220	3,910	1,946	2,856	793	2,008	24	31	
Offences against property, Chapter XVII. — Extortion	66	66	64	94	42	46	4	2	
Offences against property, Chapter XVII. — Robbery and dacoity	432	382	363	893	152	701	8	32	
Offences against property, Chapter XVII. — Criminal misappropriation of property	145	137	124	207	86	115	...	6	
Offences against property, Chapter XVII. — Criminal breach of trust	215	198	199	231	102	117	4	8	
Offences against property, Chapter XVII. — Receiving of stolen property	261	256	242	476	147	328	1	...	
Offences against property, Chapter XVII. — Cheating	118	106	103	126	71	43	4	8	
Offences against property, Chapter XVII. — Fraudulent deeds and disposition of property	8	8	8	18	12	1	...	5	
Offences against property, Chapter XVII. — Mischief	314	302	284	570	391	161	6	12	
Offences against property, Chapter XVII. — Criminal trespass	852	618	645	1,126	692	395	6	43	
Offences relating to documents and to trade, &c., Chapter XVIII	22	20	21	26	13	11	...	2	
Criminal breach of contracts of service, Chapter XIX	13	13	18	33	9	24	...	.	
Offences relating to marriage, Chapter XX	75	73	76	96	77	19	...	..	
Defamation, Chapter XXI	64	58	57	59	41	15	1	2	
Criminal intimidation, insult, and annoyance, Chapter XXII	311	304	335	453	288	149	5	11	
Attempt to commit hurt, Chapter XXIII	...			...	...		...	...	
Offences under special and local laws	5,747	5,656	5,799	10,499	2,024	8,348	29	98	
Total	16,234	15,525	13,433	23,191	7,370	15,291	133	397	

* Includes committals and references.

ANNUAL JUDICIAL STATEMENT No. 2A (CRIMINAL).

Statement showing the General Result of the Trial of European British Subjects in Upper Burma for the year 1891.

Description of offence.	Number of persons accused and brought before a Magistrate. Remaining at the close of the previous year.	Within the year. On complaint, section 191(a), Criminal Procedure Code.	On police report, section 191(b) of the Code.	By Magistrate *suo motu*, section 191(c).	On transfer from another province.	Total.	Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Persons whose cases were disposed of. By District Magistrates and other 1st class Magistrates. Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Committed. To Court of Session.	To High Court.	Transferred by order under section 451B of the Code.	Total, omitting entries in columns 10 and 13.
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Offences against the State, Chapter VI of the Indian Penal Code.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against the public tranquillity, Chapter VIII	...	...	4	...	...	4	...	4	...	3	1	...	...	...	4
Offences by or relating to public servants, Chapter IX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Contempts of the lawful authority of public servants, Chapter X.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
False evidence and offences against public justice, Chapter XI.	...	2	1	...	...	3	...	3	...	2	1	...	...	...	3
Offences relating to coin and Government stamps, Chapter XII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to weights and measures, Chapter XIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to religion, Chapter XV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the human body, Chapter XVI. — Offences affecting life	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hurt	...	1	...	...	...	1	...	1	...	1	...	...	...	...	1
Wrongful restraint and wrongful confinement	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal force and assault	...	9	...	...	...	9	...	9	...	2	7	...	...	...	9
Kidnapping, forcible abduction, slavery, and forced labour.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rape	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Unnatural offence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against property, Chapter XVII. — Theft	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal misappropriation of property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal breach of trust	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Receiving of stolen property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cheating	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fraudulent deeds and disposition of property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mischief	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal trespass	...	5	...	...	...	5	...	5	...	5	...	...	...	...	5
Offences relating to documents and to trade or property-marks, Chapter XVIII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal breach of contracts of service, Chapter XIX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to marriage, Chapter XX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Defamation, Chapter XXI	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal intimidation, insult, and annoyance, Chapter XXII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences under special and local laws	...	...	2	...	...	2	...	2	...	1	1	...	...	...	2
Total	...	17	7	...	...	24	...	24	...	14	10	...	...	...	24

Description of offence.	By Courts of Session. Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 of the Code.	Total, exclusive of column 17.	By High Court. Convicted.	Acquitted.	Total.	Total for all Courts. Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Number of cases. Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court for an order under section 436 of the Code.	Of these entered in column 5, number who applied under section 2, Act III of 1884, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Offences against the State, Chapter VI of the Indian Penal Code.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against the public tranquillity, Chapter VIII	...	...	...	...	...	...	...	...	3	1	4	...	1	1	...	...	...	...
Offences by or relating to public servants, Chapter IX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Contempts of the lawful authority of public servants, Chapter X.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
False evidence and offences against public justice, Chapter XI.	...	...	...	...	...	...	...	...	2	1	3	...	3	3	...	...	...	...
Offences relating to coin and Government stamps, Chapter XII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to weights and measures, Chapter XIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to religion, Chapter XV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting life	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hurt	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...	...
Wrongful restraint and wrongful confinement	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal force and assault	...	...	...	...	...	...	...	...	2	7	9	...	5	5	...	...	...	...
Kidnapping, forcible abduction, slavery, and forced labour.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rape	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Unnatural offence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Theft	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal misappropriation of property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal breach of trust	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Receiving of stolen property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cheating	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fraudulent deeds and disposition of property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mischief	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal trespass	...	...	...	...	...	...	...	...	5	...	5	...	2	2	...	...	...	...
Offences relating to documents and to trade or property-marks, Chapter XVIII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal breach of contracts of service, Chapter XIX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to marriage, Chapter XX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Defamation, Chapter XXI	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal intimidation, insult, and annoyance, Chapter XXII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences under special and local laws	...	...	...	...	...	...	...	...	1	1	2	...	2	2	...	...	...	...
Total	...	...	...	...	...	...	...	...	14	10	24	...	14	14	...	...	...	...

Subsidiary table.

Description of offence.	35. Of the total number of persons shown in Column 16. Number who claimed to be tried by a mixed jury, section 451A(1) of the Code.	Number who did not so claim.	Column 21. Number of those in column 35 (1) whose cases were transferred under section 451B of the Code.	Number who claimed a mixed jury, section 451 (2) of the Code.	Number who did not so claim.	Columns 21 and 26. Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	36. Of cases shown in column 30. Disposed of by Magistrates. Being European British subjects.	Other than European British subjects.	Disposed of by Sessions Judges. Being European British subjects.	Other than European British subjects.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Total	2	22	...	...	...	...	...	10	4	...	...

JUDICIAL STATEMENT NO. 3 (CRIMINAL).

Showing Miscellaneous proceedings under the Criminal Procedure Code in Upper Burma for the year 1891.

Name of proceedings	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250.	25	29	12	17	
2.—Proceedings against witnesses under Chapter VI	5	5	.....	5	
3.—Forfeiture of bail or recognisance under Chapters XXXIX and XLII	36	63	14	48	One absconded.
4.—Non-attendance of jurors or assessors under Chapter XXIII, section 332	.....	.....	.....	.....	
5.—Contempts of Court under Chapter XXXV	.....	.....	.....	.....	
6.—Proceedings under Chapter VIII to prevent breach of the peace	11	13	3	9	One pending.
7.—Security for good behaviour under Chapter VIII	353	413	156	251	Seven pending.
8.—Proceedings against local nuisance, Chapters X and XI	3	5	..	5	
9.—Possession, Chapters XII and XLVII	11	15	11	4	
10.—Maintenance, Chapter XXIII	330	321	163	154	Four pending.
Total ...	764	864	356	493	One absconded, 12 pending.

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the general result of Criminal trials in the Tribunals of various classes in Upper Burma for the year 1891.

Class of tribunal	Total number of persons under trial	Persons whose cases were disposed of.					Persons remaining under trial at the end of the year	Number of cases disposed of during the year.	Average number of days during which each case lasted	Number of witnesses examined.	Remarks.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted. On regular trial.	Convicted. On summary trial.	Committed or referred					
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	...	...	...	...	..	...	...	...	...	...	
Subordinate Magistrates... Special Magistrates under section 14 ...	19	...	...	19	...	...	...	17	2·88	...	
Subordinate Magistrates... Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Stipendiary Magistrates sitting singly ...	20,139	98	6,666	9,030	3,449	587	309	11,381	5·38	Not obtainable.	
Subordinate Magistrates... Honorary Magistrates	397	...	50	19	303	...	25	299	2·86		
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code	462	3	119	275	21	38	6	247	8·46		
Chief Magistrates of districts	1,720	31	466	878	152	171	22	1,001	8·44		
Courts of Sessions	454	1	69	307	...	42	35	220	39·5		
Superior Courts	33	...	...	32	...	...	1	32	20·18		
Total ...	23,224	133	7,370	10,500	3,925	838	398	13,197	6·21	36,416	

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Statement showing the punishments inflicted by the various Criminal Tribunals in Upper Burma for the year 1891.

Class of tribunal.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS.																
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a Reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Village Officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under section 14.	...	...	...	10	...	...	8	2	...	...	4	4	...	...	...	...	125 4 0	121 15 11	0 2 0	...	6	4	...	...	...	...	2	...
Subordinate Magistrates. Stipendiary Magistrates sitting singly.	...	...	...	2,344	130	2	9,812	503	201	104	6,903	2,599	211	96	3	.	1,42,018 12 6	1,17,546 2 9	7,343 12 6	241	1,639	669	9	...	97	242	164	...
Subordinate Magistrates. Honorary Magistrates ...	...	...	...	...	...	..	322	...	...	...	319	3	...	...	...	...	833 0 0	831 0 0	...	...	...	...	...	...	...	...	...	...
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	...	...	...	220	...	2	69	34	2	2	16	42	7	4	...	...	2,800 9 0	1,356 10 3	3 0 0	1	41	150	30	...	...	16	18	...
Chief Magistrates of Districts...	...	.	...	602	29	2	433	128	56	17	165	185	47	32	4	...	29,649 5 0	18,373 14 5	2,447 3 0	27	217	250	153	1	12	43	73	..
Courts of Sessions	...	119	...	187	..	6	9	27	1	1	5	2	2	...	...	...	500 0 0	100 0 0	..	...	9	10	151	18	...	...	27	1
Superior Courts	28	3	...	1	...	...	...	...	...	...	...	...	...	...	...	...		...	...	...	...	...	1	...	...	...	...	...
Total ...	22	122	...	3,364	159	12	10,65	694	260	124	7,412	2,835	267	132	7	...	1,75,926 14 6	1,38,329 11 4	9,794 1 6	269	1,912	1,103	344	19	109	301	284	1

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Showing Whippings inflicted under sections 2 and 3, Act VI of 1864, and under section 7 (1) (c) of the Upper Burma Laws Act, 1886, in lieu of other punishments in Upper Burma for the year 1891.

Section of Indian Penal Code.	Offence for which awarded	Number of stripes awarded.													
		5 and under		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		Total.	Remarks.
		First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	IN LIEU OF OTHER PUNISHMENTS.														
	Sections 2 and 3, Act VI of 1864.														
378	Theft	...	...	...	...	...	...	...	...	...	...	...	...		
379		6	...	4	3	2	...	10	2	...	...	8	1	36	
380		19	3	47	6	69	10	116	13	19	4	104	32	452	
381		...	...	...	...	...	...	...	...	...	...	...	...	...	
382		...	...	...	...	...	...	...	...	...	...	...	...	...	
386	Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	
389															
411	Dishonestly receiving stolen property	1	...	4	...	5	...	3	...	1	...	4	...	18	
412		...	...	...	...	...	...	1	...	...	...	...	...	1	
454	Lurking house trespass	...	...	...	...	...	...	...	...	...	1	1	...	2	
	Lurking house-trespass by night	...	...	...	...	...	...	...	...	...	...	5	1	6	
457	Offence under section 14, Act III of 1880 ...	...	...	...	...	...	...	...	...	...	...	...		...	
	Section 7 (1) (c) of the Upper Burma Laws Act, 1886.														
302	Murder	...	...		...	...	...	...	...	...	...	...	...	...	
304	Culpable homicide not amounting to murder	...	...	...	...	...	...	...	...	...	...	...	...	...	
307	Attempt to murder	...	...	...	...	...	...	...	...	...	...	...	...	...	
325	Voluntarily causing grievous hurt	...	...	...	...	...	...	...	...	...	...	...	...	...	
326		...	...	...	...	...	...	...	...	...	...	...	...	...	
327		...	...	...	...	...	...	...	...	...	...	...	...	...	
329		...	...	...	...	...	...	...	...	...	...	...	...	...	
333		...	...	...	...	...	...	...	...	...	...	...	...	...	
382	Theft, preparation having been made for causing hurt, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	
386	Extortion	...	...	2	...	...	...	1	1	...	...	...	...	4	
387															
392	Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	3	...	3	
393		...	...	...	...	...	...	...	...	...	...	...	...	...	
394		...	...	...	...	...	...	...	...	...	...	...	...	...	
395		...	...	3	...	4	...	...	...	...	...	...	...	7	
396		...	...	...	...	...	...	...	...	...	...	...	...	...	
397		...	...	...	...	...	...	...	...	...	1	...	...	1	
398		...	...	...	...	...	...	...	...	...	...	1	...	1	
399		...	...	...	...	...	...	...	...	...	...	...	...	...	
400		...	...	...	...	...	...	...	...	...	...	...	...	...	
401		...	...	...	...	...	...	...	...	...	...	...	...	...	
402		...	...	...	...	...	...	...	...	...	...	...	...	...	
412	Dishonestly receiving stolen property knowing that it was obtained by dacoity.	...	...	...	...	...	...	...	...	...	...	...	...	...	
435	Mischief by fire, &c.		...	...	...	...	...	...	...	...	...	...	...	...	
436															
440	Mischief committed after preparation made for causing death or hurt, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	
455	Lurking house-trespass and house-breaking	...	...	...	...	...	...	...	...	...	...	...	...	...	
456		...	...	...	...	...	...	...	...	...	...	...	...	...	
459		...	...	...	...	...	...	...	...	...	...	...	...	...	
460		...	...	...	...	...	...	...	...	...	...	...	...	...	
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Abetment of any of the foregoing offences ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Attempt to commit any of those which are not themselves expressed to be attempts to commit offences.	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Excise Act	...	...	...	...	...	...	...	...	...	...	...	...	...	
193, I P. C.	Giving false evidence	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...	26	3	60	9	100	10	131	16	20	6	126	34	541	

PART II.

Showing Whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, and section 7 (1) (c) of the Upper Burma Laws Act, 1886, in Upper Burma for the year 1891.

Section of Indian Penal Code.	Offence for which awarded.	Number of stripes. 5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks.
1	2	3	4	5	6	7	8	9	10
	Section 3, Act VI of 1864.								
378	Theft	...	...	...	...	..	...	...	
379		..	..	...	1	...	6	9	
380		..	...	4	13	3	3	33	
381		...	...	1	1	2	2	6	
382		...	...	...	...	...	...	...	
388	Extortion	...	...	...	..	...	...	...	
389		...	...	...	...	...	...	...	
411	Dishonestly receiving stolen property ...	...	...	2	...	...	2	4	
412		...	...	..	...	..	...	...	
454	Lurking house-trespass	...	..	...	..	1	..	1	
457	Lurking house-trespass by night, offence under section 14, Act III of 1880.	...	...	...	...	..	1	1	
	Section 4, Act VI of 1864.								
193	Giving or fabricating false evidence ...	...	...	...	...	...	...	...	
194		...	...	...	...	1	...	1	
195		...	...	...	...	...	...	...	
211	False charge of unnatural offence	...	...	...	...	...	...	...	
377		...	...	...	...	...	...	...	
354	Assault	...	...	...	...	...	...	...	
375	Rape	...	...	...	..	...	...	...	
377	Unnatural offence	...	...	...	...	...	...	...	
392	Robbery and dacoity	..	...	...	3	...	3	6	
393		...	...	...	...	...	...	...	
394		...	...	...	...	...	5	5	
395		...	...	...	...	...	9	9	
396		...	...	...	...	...	...	.	
397		...	...	...	4	1	17	22	
398		...	...	...	...	...	1	1	
399		...	...	...	...	...	...	...	
400		...	...	.	...	...	...	...	
401		...	...	...	...	...	...	...	
402		...	...	...	...	...	...	..	
412	Receiving stolen property	...	...	...	...	...	...	...	
465	Forgery	...	...	..	...	...	...	...	
466		...	...	...	...	...	...	...	
467		...	...	...	...	...	...	...	
468		...	...	...	...	...	...	...	
469		...	...	...	...	...	...	...	
454	Lurking house-trespass, &c.	...	...	...	..	...	...	...	
455		...	...	1	...	...	...	1	
457		...	...	...	...	...	...	...	
458		...	...	...	...	...	...	...	
	Section 7 (1) (c) of the Upper Burma Laws Act, 1886.								
302	Murder	...	...	...	...	...	...	...	
304	Culpable homicide not amounting to murder	...	...	...	..	...	...	...	
307	Attempt to murder	...	...	...	...	...	...	...	
325	Voluntarily causing hurt	...	...	...	...	...	...	...	
326		...	...	...	...	...	...	...	
327		...	...	...	...	...	...	...	
329		...	...	...	...	...	...	...	
333		...	...	...	...	...	...	...	
382	Theft	...	...	...	...	...	...	...	
386	Extortion	...	...	...	...	...	...	...	
387		...	...	...	...	...	...	...	
392	Robbery and dacoity	...	...	...	...	...	1	1	
393		...	...	...	...	...	...	...	
394		...	...	...	...	...	4	4	
395		...	...	...	...	...	3	3	
396		...	...	...	...	...	...	...	
397		...	...	.	...	...	13	13	
398		...	...	...	...	...	...	...	
399		...	...	...	...	...	...	...	
400		...	...	...	...	...	...	...	
401		...	...	...	...	...	...	...	
402		...	...	...	...	...	...	...	
412	Dishonestly receiving stolen property	...	...	...	...	...	...	...	
435	Mischief by fire, &c.	...	...	...	...	...	...	...	
436		...	...	...	...	...	...	...	
440	Mischief committed after preparation made for causing death or hurt, &c.	...	...	...	...	...	...	...	
455	Lurking house-trespass	...	...	...	...	...	...	...	
458		...	...	...	...	...	...	...	
459		...	...	...	...	...	...	...	
460		...	...	...	...	...	...	...	
506	Criminal intimidation if threat be to cause death or grievous hurt.	...	...	...	..	...	...	...	
	Abetment of any of the foregoing offences	...	...	...	...	...	...	...	
	Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences.	...	...	...	...	...	...	...	
	Gambling Act	...	...	...	...	...	...	...	
	Total ...	..	.	8	22	9	82	120	

PART III.

Showing whippings inflicted under section 5, Act VI of 1864 on Juveniles for offences other than those specified in Parts I and II in Upper Burma for the year 1891.

Offence.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Section 161, I. P. C.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Do. 273, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 285, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 324, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 325, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 379, do.	2	...	7	...	6	...	1	...	...	...	1	...	17	
Do. 380, do.	2	...	...	...	1	...	...	...	1	...	2	...	6	
Do. 392, do.	...	...	...	...	...	...	...	...	...	...	2	...	2	
Do. 417, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Do. 456, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do. 457, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Total ...	4	...	7	...	11	...	3	...	1	...	7	...	33	

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments in cases in which whipping might have been awarded in Upper Burma for the year 1891.

Punishment.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded	694	
2. Total number of other punishments in cases in which whipping might have been awarded.	3,292	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	3,986	
Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	17·41	

JUDICIAL STATEMENT NO. 6 (CRIMINAL.)

Showing the result of appeal and revision in Criminal Cases in Upper Burma for the year 1891.

Class of tribunal.	Number of persons.											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of districts	100	5	16	28	2	17	23	...	2	...	2	9	
To Courts of Session	736	6	278	236	3	75	114	...	13	.	11	17	
To Superior Courts ... By persons convicted ...	253	...	111	95	...	28	4	...	2	..	13	14	
To Superior Courts ... By Government from judgment of acquittal	8	..	...	...	3	..	...					42	
Total ..	1,092	11	405	359	8	120	146	...	17		26	15	
Revisions													
By Chief Magistrates of districts	3,551	9	72	2,786	41	110	206	30	51	112	134	16	
By Courts of Session	941	..	450	319	...	...		...	.	104	68	20	
By Superior Courts	2,795	...	49	2,130	26	104	223	17	34	...	212	23	
Total ...	7,287	9	571	5,235	67	214	429	47	85	216	414	19	
GRAND TOTAL	8,379	20	976	5,594	75	334	575	47	102	216	440	18	

G. B. C. P. O.—No. 3394, B. S., 29-8-92—350.